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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

Portugal (Macau)

[9 March 1995]

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I. GENERAL INFORMATION

A. Land and people

1. Macau, a territory under Portuguese administration, lies on the South China coast around 65 km to the west of Hong Kong. The Territory of Macau includes the Peninsula of Macau (where the "City of the Name of God" is located) and the islands of Taipa and Coloane, covering a total surface area of approximately 18 km^2. Macau's geographical location, its traditional openness and its economic, social and cultural environment have attracted and facilitated the coexistence of extremely varied cultures, languages and religions.

2. According to the last (13th) General Population Census taken in 1991 (Censos 91), the total resident population stood at 355,693 inhabitants with an estimated increase to 381,000 inhabitants by the end of 1992. The composition of the population and relative standing of the main ethnic and cultural, linguistic and religious groups can be seen in the Thirteenth Population Census/Third Housing Census Global Results, annexed to this report.

B. General political structure

3. The establishment of the Portuguese in Macau dates back to 1557.

4. Macau's legal system is based on the Romano-Germanic branch of continental European law. It is characterized by the fact that laws proper are, by far, the most important source of law, and the relevant legislation is inserted in specific legal codes known as the five "big codes": the Civil Code, the Commercial Code, the Civil Procedure Code, the Criminal Code and the Criminal Procedure Code.

5. Macau's constitutional organization has undergone major changes over the territory's history. Initially, there was a system of "mixed jurisdiction" (from 1557 to 1822), followed by a "colonial period" (1822 to 1976) and latterly a "transition period" (lasting from 1976 until 19 December 1999). A constant feature of Macau's history has been the ongoing cooperation between Portugal and China. In addition to this, Macau has always enjoyed a high degree of autonomy.

6. Right from the start of the Portuguese settlement of Macau, this high degree of autonomy was reflected in the administrative organization of the Territory. The post of Governor was only introduced in the mid-seventeenth century but, in fact, until 1783, when the "Royal Provisions" were approved, the Portuguese settlement of Macau was governed by the politically powerful Senado. The Senado, a body based on the medieval Portuguese tradition of local government, represented Portuguese interests through the offices of three councillors elected for three years by the Portuguese population, two judges and one procurator. The Senado was vested with political, administrative and judicial powers.

7. At present, Macau is in the course of the "transition period" which will end when China resumes full sovereignty over the territory on 20 December 1999 (Sino-Portuguese Joint Declaration, art. 1). Following this date, and for a period of 50 years, the People's Republic of China undertakes to uphold the various principles, policies and provisions which, under the principle of "one country, two systems", are included in the Sino-Portuguese Joint Declaration (art. 2 (12)) and to enshrine them in a Basic Law of the Macau Special Administrative Region of the People's Republic of China.

8. Currently the status of the territory of Macau is defined in both Portugal's and Macau's legislation by the 1976 Portuguese Constitution (PC) and the Organic Statute of Macau (OS) approved by Law 1/76 of 17 February and amended by Law 53/79 of 14 September and Law 13/90 of 10 May.

9. Under international law, Macau's status is defined by the "Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau" signed in Beijing on 13 April 1987, and by the United Nations decisions on the issue, namely the 1972 recommendation of the United Nations Special Committee on Decolonization concerning Macau's situation (General Assembly resolution 2908 (XXVII) of 2 November 1972).

10. From the original 1976 version until the present, the PC has included specific provisions concerning Macau's situation with a view to defining the Territory's legal status according to the new Portuguese constitutional regime and in accordance with the above-mentioned international directives from the United Nations. The Constituent Assembly which drew up the present constitution - in which the territory of Macau was expressly defined as such - included a fourth paragraph in article 5 of the constitution under the heading "Territory", with the following text:

> "The Territory of Macau, under Portuguese administration, shall be governed by a statute adequate to its special situation."

The PC clarified the situation once and for all and, in contrast to paragraph 1 of the same article, Macau was explicitly excluded from national territory. Under the terms of this provision, the powers of the Portuguese State were defined as simple administrative powers.

11. Although this was to change the internal framework, the Portuguese legislators were merely absorbing the theory which had already been recognized at international level by both the People's Republic of China and the United Nations, namely that Macau is Chinese territory under Portuguese administration. The Sino-Portuguese Joint Declaration was to consolidate Portugal and the People's Republic of China's existing understanding of Macau's legal character. Article 1 of the treaty states that:

> "The Government of the People's Republic of China and the Government of the Republic of Portugal declare that the Macau area (including the Macau Peninsula, Taipa Island and Coloane Island, hereinafter referred to as Macau) is Chinese territory, and the Government of the People's Republic of China will resume the exercise of sovereignty over Macau with effect from 20 December 1999."

12. Similarly, article 2 of the Assembly of the Republic's Resolution 41/92 of 31 December reiterates that:

> "1. The application in Macau of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, namely Article 1 of both Covenants, shall not in any way affect the status of Macau as defined by the Portuguese Constitution and the Organic Statute of Macau.
>
> 2. The application in Macau of those Covenants shall in no way affect the provisions of the Sino-Portuguese Joint Declaration on the Question of Macau signed on 13 April 1987, namely in so far as it states that Macau is part of the territory of China and that the Government of the People's Republic of China shall resume the exercise of sovereignty over Macau with effect from 20 December 1999 while Portugal shall be responsible for the administration of Macau until 19 December 1999."

13. In the light of the Sino-Portuguese Joint Declaration, the 1989 review of the Constitution included a revision of the provisions concerning Macau and these have now been merged into a single article, article 292 under the heading "Statute of Macau", with the following text:

> "1. While under Portuguese administration, the territory of Macau shall abide to a statute adequate to its special situation.
>
> "2. The statute of the territory of Macau, embodied in Law number 1/76 of 17 February, and incorporating the amendments thereto that were introduced by Law number 53/79 of 14 September, shall continue in force.
>
> "3. Upon proposal of either the Legislative Assembly of Macau or the Governor of Macau, the latter after having heard the Legislative Assembly of Macau, the Assembly of the Republic shall be empowered to amend or to replace the Statute after having sought the opinion of the Council of State.
>
> "4. Where the proposal is approved with amendments, the President of the Republic shall not promulgate the decree of the Assembly of the Republic unless the Legislative Assembly of Macau or, as appropriate, the Governor of Macau, give a favourable opinion.
>
> "5. The territory of Macau shall have its own judicial organization, autonomous and adapted to the specificities of that territory, in conformity with the law; the latter shall safeguard the principle of the independence of the judges."

14. Article 2 of the OS states, in turn, that:

> "The Territory of Macau shall be organized as a juristic entity and, in respect of the principles and the rights, freedoms and safeguards established in the Constitution of the Republic of Portugal and this Statute, shall have administrative, economic, financial and legislative autonomy."

15. Under Article 4 of the OS, the Territory's own governing bodies shall be the Governor and the Legislative Assembly. The Consultative Council operates alongside the Governor and is responsible for advising him on all matters concerning his duties or the administration of the Territory whenever the Governor deems it appropriate. With regard to the appointment of the Governor, article 7 of the OS states that the Governor is to be appointed and dismissed by the President of the Republic following consultation with the local population through the Legislative Assembly and representatives of social organizations. The consultation procedure provided for in article 7 is regulated in articles 180 to 183 of the Legislative Assembly's Regulations.

16. The Legislative Assembly consists of 23 members appointed in the following manner:

(a) Eight elected by direct, universal suffrage;

(b) Eight elected by indirect suffrage;

(c) Seven appointed by the Governor from amongst local residents of recognized merit and standing in the local community.

17. It should be pointed out that all aspects of Macau's public life are strongly influenced by the notion of participation by and consultation with the population and representatives of social, cultural and economic interests. A fair reflection of this high degree of participation by and consultation with the population is that there are several consultative organs, such as the Council for Transitional Affairs, the Standing Committee on Coordinating Social Affairs, the Consumer Council, the Economic Council and the Education Committee, which place a heavy emphasis on participation.

18. For the first time in its history, Macau has its own judicial organization which operates independently and is adapted to Macau's specific situation. The process of localizing the judicial system effectively began when the PC was revised in 1989. The revised presentation of article 292, paragraph 5, in Constitutional Law 1/89, established that Macau should have its own judicial organization, autonomous and adapted to the specificities of the territory, in conformity with the law, which shall safeguard the principle of the independence of the judges. The basic outlines of the judicial system were then integrated into articles 51 to 53 of the OS.

19. Article 52 of the OS states that "in the administration of justice the courts of Macau shall be responsible for ensuring the protection of legally protected rights and interests, preventing any breaches of legality and resolving conflicts between public and private interests."

20. Law 112/91 of 29 August approved the Law of Judicial Organization of Macau (LJOM), defining and harmonizing the basic elements within the new system. According to the LJOM, the judicial organization of Macau includes courts with general jurisdiction and courts with administrative, fiscal, customs duties and financial jurisdiction (art. 5, para. 1, of Law 112/91). Following the enactment of this law, and in addition to primary courts, an Audit Court and the Superior Court of Justice were introduced (art. 6, para. 1, of Law 112/91).

21. The Superior Court of Justice (SCJ) is the highest organ within Macau's court system, without prejudice to the powers of the Supreme Court of Justice, the Supreme Administrative Court and the Constitutional Court to handle appeals (art. 11 of Law 112/91). The jurisdiction of these Portuguese courts in Macau, which is currently very rarely invoked, shall, according to the terms of article 75 of the OS, be retained until the President of Portugal decides that the Macau courts should be vested with full and exclusive jurisdiction. The SCJ is thus the highest local court with powers of general jurisdiction and jurisdiction over administrative, fiscal and customs duties matters (art. 11 of Law 112/91). It operates as a court of second instance and as a court of appeal (art. 6, para. 2, of Law 112/91). The SCJ consists of a President and six judges and hears cases either as a full bench or in divisions (art. 12, para. 1, of Law 112/91). Until such time as Macau's courts are vested with full and exclusive jurisdiction under the terms of article 75 of the OS, Macau's Supreme Court of Justice shall consist of a President and four judges (art. 40, para. 1, of Law 112/91, amended by Law 4-A/93 of 26 February).

22. In Macau there are primary courts with general jurisdiction and jurisdiction over administrative, fiscal and customs duties matters (art. 7, para. 1, of Law 112/91 and art. 18, para. 1, of Decree-Law 17/92/M of 2 March). Matters of general jurisdiction are now dealt with by the Court of General Jurisdiction and the Court of Criminal Instruction (art. 18, para. 2, of Decree-Law 17/92/M). Jurisdiction over administrative, fiscal and customs duties cases is the responsibility of the Administrative Court of Macau which must preside over cases and appeals aimed at resolving cases arising from legal relations involving administrative, fiscal and customs duties acts (art. 9, para. 1, of Law 112/91 and art. 18, para. 3, of Decree-Law 17/92/M). Similarly, the Court of Audit has jurisdiction and powers over matters concerning financial control under Macau's laws (art. 10, para 1, of Law 112/91).

23. The Public Prosecutor's Department is autonomous and enjoys independent status under law. It carries out the duties attributed to it freely and independently without any interference (art. 53, para. 5, of the OS, art. 23 of Law 112/91 and art. 8, para. 1, of Decree-Law 55/92/M of 18 August). The autonomy of the Public Prosecutor's Department is characterized by its links to criteria of legality and objectivity and by the exclusive subjection of its officers to the guidelines provided for in the law (art. 8, para. 2 of Decree-Law 55/92/M).

C. Economic, social and cultural characteristics 1/

Economic model

24. The economy of the Territory is based on characteristics usually associated with liberal models: limited intervention of the State in the economy; 2/ free circulation of goods and capital; and a system of low taxation. 3/ This is in line with a social structure differing from those predominant in Western industrialized countries with respect to the mechanisms of social security. The foreign exchange policy pursued by Macau is to peg the local currency (pataca) to the Hong Kong dollar 4/ and, thus,

to the US dollar. This secures a stable rate of exchange, compatible with the strong economic links between the Territory's economy and that of the two aforementioned economies.

Population

25. A marked increase in the population (nearly 60 per cent in the last 12 years) has been recorded since the early eighties. This can be traced to an increase in the migratory inflow brought about by the surge of economic growth experienced at the time.

26. This has had a substantial influence on the profile of the Territory's population. In 1992, for instance, nearly 70 per cent of the population growth could be accounted for by the surplus in the balance of migration. 5/ As a result, Macau has a young population, 6/ with only 48 per cent of the population having resided in the Territory for more than 20 years and only 40 per cent of the residents being born in Macau.

Economic structure

27. Macau, as a small territory, with a population estimated at 381,000 inhabitants (at the end of 1992), has a very open economy. 7/ This is estimated to account for 63 per cent of the GDP. The development of Macau has therefore been based on those economic sectors, in both goods and services, which are oriented towards export. Under these circumstances, the external situation of the main export markets 8/ - both the Asia-Pacific countries and the industrialized nations - is a decisive factor in the Territory's economy.

28. Foreign investment flows have played a key role in the development of Macau. The industrialization of the Territory was boosted during the 1970s as a result of investment from Hong Kong, particularly in the textiles and garments sector which (in Hong Kong) was beginning to feel the restrictive effects of the Multifibres Agreement. The configuration of the Territory's economic specialization is, at the same time, influenced by the interdependence between Macau and the neighbouring territories of Hong Kong and the Province of Canton.

29. In 1980 exports of textiles and garments were the main sales to the foreign market, bringing 87 per cent of the income and amounting to 1 per cent of world garment exports. Due to this boom exports of textiles and garments began to be made under Bilateral Agreements (with European countries, the United States and Canada, signed within the scope of Multifibres Agreement).

30. At the beginning of the eighties there was a new boom in industrial investment, which originated in Hong Kong and focused on the toy industry, artificial flowers, electronics and ceramics. This contributed to a certain diversification of Macau's industrial base. Thus, by the mid-eighties the non-textiles sectors represented 30 per cent of exports.

31. The main characteristic of the industrial structure of the territory is that it is highly fragmented, being made up of a large number of companies. There are currently approximately 1,911 manufacturing units 9/, the

majority of which are small - around 68 per cent of the units have less than 20 workers. Only about 133 units have more than 100 workers, that is, about 7 per cent of the total registered units. These, however, contribute around 50 per cent of the Production Value. The workforce in the manufacturing industries has been declining, along with the number of manufacturing units. According to the available data, there have been gains of productivity in the main sectors of the manufacturing industry, the net labour force productivity 10/ being around MOP 72,000 per worker. 11/

32. In structural terms it should be noted that there has been a shift in the composition of the aggregate demand since the end of the eighties, with consequent effects on the supply profile.

33. The external income of the service sector has started to assume an increasing importance. In 1991 it surpassed the income from exports of goods and now represents around 31 per cent of the total demand. In fact, in recent years industrial exports have stopped being the main growth factor, having been replaced by tertiary activities. The interruption in the growth of the export of goods in the late eighties, revealing the beginnings of a change in the industrial patter, followed the relocation of some industries to adjacent regions where there were more competitive production conditions, namely in labour costs related to wages, for the main products of Macau's industry. At the same time expansion has been seen in the service sector, which includes financial services, real estate, services rendered to enterprises and tourism, as well as a boom in the construction sector.

34. The good performance of the construction and the public works sector derives from circumstances which have particularly favoured private investment, and from the implementation of major infrastructure works, in particular a new bridge connecting the Macau peninsula to the island of Taipa, a containers terminal, a passengers maritime terminal and the international airport.

35. The tourism sector deserves special mention since it has shown a significant increase in terms of fixed capacity. 12/ With the number of visitors totalling 7,701,000 in 1993 and potentialities arising from the improvement of the quality of the services rendered and improved access to the Territory tourism plays a key role in economic terms. Besides being the main source of external revenues, and thus contributing to a surplus in the balance of goods and services, tourism also constitutes the Administration's main source of revenue.

Financing of public expenditure

36. Well-established gambling activities in the Territory - subject to an exclusive licensing contract whereby 30 per cent of the annual gross revenue reverts to the State - makes tourism a major source of revenue for the Territory's budget. Gambling revenues account for 46 per cent of the total public revenue. 13/ A new source of financing, premiums arising from the sale of land in public auction, accounted for 25 per cent of the total revenue (against 17 per cent in 1991). It must be pointed out, however, that 50 per cent of such revenues constitute automatic transfers to an

external entity - a fund for the future Special Administrative Region of Macau - and, therefore, given its nature, cannot be regarded as a structural source of public expenditure financing. With this in mind it is easy to understand why direct and indirect taxes account for only 11.6 and 7.5 per cent respectively of the Administrations's revenues. 14/

Labour

37. The current breakdown of employment by economic sector is an approximation for the supply profile of the territory. This makes up for the absence of data regarding the distribution of gross value-added between economic sectors.

38. The industrial sector, which employed nearly 50 per cent of the active population in the early eighties, has seen its weight diminish considerably over the years. At present it accounts for no more than 24 per cent of total employment. 15/ On the other hand, a surge in the services sector can be seen, with it currently accounting for 65 per cent of employment. Within the service sector the trade, catering and hotels and the social and personal services industries have a prominent position, accounting for 26 and 27 per cent of total employment respectively. The evolution of the structure of the working population in the last decade has resulted in an almost full-employment labour market with the unemployment rate standing at around 2 or 3 per cent.

39. In November 1993 the unemployment rate stood at 2.4 per cent while the underemployment 16/ rate stood at 1.2 per cent. According to the available data, the majority of underemployed individuals work in the manufacturing sector.

Recent trends

40. The economy of Macau is going through a favourable period despite the recession which is affecting industrialized countries and its consequent effect on international trade and the potential demand for produce of the Territory.

41. The undertaking of major infrastructural ventures and the drive possessed by many tertiary industries contributed to the strong performance of the economy, with the GDP recording an annual average growth rate of 6.7 per cent for the period 1990-1992. The behaviour of investment and exports of services, with annual growth rates of 21 and 12 per cent respectively, constituted a key element in its successful performance.

42. Inflation in Macau can be explained largely by exogenous factors, consequent on the weight consumer goods bear in the Consumers Price Index (CPI). 17/ Structural changes in the markets, however, have exerted considerable pressure in some market segments fostering inflationary trends. At aggregate levels, the CPI has decelerated since the second semester of 1991. A 12-month time series ending December 1993 recorded a growth rate of 6.7 per cent compared to the same period in the previous year.

D. General legal framework within which human rights are protected

43. The principal authorities competent to deal with human rights issues are the organs of government of the Territory (the Governor and the Legislative Assembly). Although Portugal's legislative bodies retain their powers with regard to Macau, the Territory's own governing bodies have special responsibilities for adopting the measures (namely, through legislation) intended to give effect to the rights recognized in the Covenant, as provided for in article 5, paragraph 1, of the Assembly of the Republic's Resolution No. 41/92 of 31 December which extended the Covenant to Macau. Issues concerning rights, freedoms and safeguards are, in effect, covered by the powers of the Legislative Assembly and of the Governor, according to article 31, paragraph 1 (b), and paragraph 5 of the OS. In the control of these matters an important role is played by the courts and the High Commission against Corruption and Administrative illegality.

44. With regard to the remedies available in the case of any violation of rights and freedoms recognized in the Covenant, the following should be mentioned.

45. In the area of rights and freedoms violated by administrative authorities, citizens may lodge complaints with the Public Information and Assistance Centre (PIAC) on matters pertaining directly to themselves and concerning acts or omissions by public services (Decree-Law 60/86/M of 31 December, arts. 4 to 6).

46. Complaints may also be lodged with the High Commission against Corruption and Administrative Illegality (HCCAI). One of the HCCAI's responsibilities is to promote the protection of people's rights, freedoms, safeguards and legitimate interests and it may address recommendations directly to the relevant authorities with a view to remedying illegal or unjust administrative actions on the basis of information received in any form or manner (art. 3, para. 1, (c), art. 4, (m), and art. 9 of Law 11/90/M of 10 September).

47. Individuals whose legitimate personal interests are deemed to have been violated by administrative actions may appeal to those responsible, requesting modification, suspension or revocation of the act in question (Decree-Law 23/85/M of 23 March, arts. 25-29).

48. All administrative actions carried out by individuals who are subject to supervision by a higher office may be subject to appeal to that office requesting modification, suspension or revocation of the act in question, the reason given being the illegality, injustice or inappropriateness of the act (Decree-Law 23/85/M, arts. 30-38).

49. Administrative actions giving rise to litigation may be reviewed in the competent courts. The examination and judgement of appeals against administrative actions by the Governor and the Under-Secretaries is the responsibility of the Supreme Administrative Court, while the Macau Administrative Court is responsible for judging appeals concerning other litigious acts of the Administration of the Territory (OS, art. 19, Law 112/91 of 29 August, arts. 9 and 163 and Decree-Law 23/85/M, art. 39).

50. In Macau the provisions of article 280 of the PC and article 70 of Law 28/82 of 15 November, allow for appeals to be made to the Constitutional Court against the following decisions:

(a) Those rejecting the application of any provision on the grounds of unconstitutionality;

(b) Those confirming the application of any provision, the constitutionality of which was questioned before that court;

(c) Those rejecting the application of any provisions of a legislative act on grounds of violation of higher ranking law;

(d) Those giving application to a provision, the legality of which was questioned before that court on the grounds of the preceding subparagraph;

(e) Those applying a provision which has previously been deemed unconstitutional or illegal by the Constitutional Court;

(f) Those applying a provision which has previously been deemed unconstitutional by the Constitutional Committee, where the decision the Constitutional Court is requested to consider is on the exact same point of law;

(g) Those rejecting the application of a provision contained in a legislative act, on the grounds that it contravenes an international convention, or those which apply it in a manner other than that which has previously been decided by the Constitutional Court.

51. The Law of Judicial Organization of Macau (hereinafter referred to as LJOM), recently introduced the support appeal (recurso de amparo). The LJOM stipulates that any decision by a court of Macau may be appealed in the Superior Court of Justice on the basis of a claim of a violation of the fundamental rights guaranteed by the OS. Direct appeals are limited to issues of violation of rights (art. 17, para. 1, of Law 112/91).

52. In the field of rights and freedoms violated by private individuals, mechanisms exist to safeguard and assert these with the possibility of appeal to the courts.

53. Article 292 of the PC states that the Territory of Macau shall be governed by a statute adequate to its special situation as anticipated in the Organic Statute of Macau (OS) approved by Law 1/76 of 17 February with the amendments introduced by Law 53/79 of 14 September and Law 13/90 of 10 May. It should be noted that the OS is a constitutional law. In turn, article 2 of the OS includes a direct transfer to Macau's system of the principles of rights, freedoms and safeguards, i.e., the Fundamental Principles of Section I ("General Principles") and Section II ("Rights, Freedoms and Safeguards") of Part I ("Fundamental Rights and Duties"), established in the PC. The same conclusion can be drawn from the provision made in article 11, paragraph 1 (d), of the OS.

54. The rights, freedoms and safeguards of the PC - which not only takes into account the civil and political rights included in the Covenant but exceeds them on several points - are applied in Macau's legal system under the provisions of article 2 of the OS. These rights, freedoms and safeguards are not applied in the exact same terms and with the same content as in Portugal due to a few limitations arising from special precepts of the OS reflecting Macau's specific and different situation. The exercise of these rights, freedoms and safeguards is limited or restricted in Macau under the terms of article 18, paragraphs 2 and 3, of the PC in which it is stated that:

> "2. Rights, freedoms and safeguards may be restricted by law in only those cases expressly provided for in the Constitution. Restrictions shall be limited to what is necessary to safeguard other rights or interests protected by the Constitution.
>
> "3. Laws restricting rights, freedoms and safeguards shall be general and abstract in character, shall not have retroactive effects, and shall not limit in extent and scope the essential content of constitution provisions."

55. Article 19 of the PC is also in force in Macau, allowing the organs of supreme authority to suspend the exercise of rights, freedoms and safeguards only in the case of a state of siege or a state of emergency declared in the form laid down in the Constitution. The Governor of Macau also has the power to take the necessary measures to restore public order anywhere in Macau on the advice of the Consultative Council. Should it be necessary to restrict or suspend the exercise of constitutional rights, freedoms and safeguards, the advice of the Legislative Assembly must first be sought and the President of the Republic informed as soon as possible (OS, art. 11, para. 1 (d)).

56. In turn, article 5, paragraph 2 of the Assembly of the Republic's Resolution No. 41/92 of 31 December, published in the Official Gazette of Macau, No. 52, Third Supplement, of 31 December 1992 applying the two Covenants to Macau, states that:

> "Fundamental rights in Macau shall not be restricted unless as prescribed by law and these restrictions may not exceed the applicable provisions of the Covenants [on Civil and Political Rights and on Economic, Social and Cultural Rights]."

The limitations and restrictions on the exercise of these rights enshrined in locally produced legislation regulating fundamental rights have, moreover, been considerably fewer than those referred to in the Covenant.

57. In both Macau and Portugal, the same constitutional rules regarding the relationship between international and domestic law are in force, namely article 8 of the PC which establishes the principle of primacy of international law over ordinary domestic law. Thus the precepts of the Covenant are applied and invoked under the same terms as in Portugal, although it should be noted that article 8, paragraph 2, of the PC establishes a regime for the automatic acceptance of the norms of international conventions.

58. Article 5, paragraph 1, of the Assembly of the Republic's Resolution No. 41/92 of 31 December, establishes that:

> "The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights applicable to Macau shall be implemented in Macau, namely through specific laws issued by the Territory's own organs of government."

Nevertheless, this provision does not, and could not, change in any way the constitutional norms regarding whether or not the provisions of the Covenant can be directly applied or invoked. This article is intended to emphasize the need for those provisions of the Covenant(s) applicable to Macau to be drafted by local legislating bodies, on the one hand implying that these powers should be transferred from Portugal to Macau, and on the other highlighting the political objective of localizing legislation.

E. Information and publicity

59. The text of the Covenant was published in full in Macau's Official Gazette, in both official languages (Portugese and Chinese). It was not, however, made known by other means.

60. The drafting of the present report brought together representatives from the branches of the Administration responsible for the areas covered by the Covenant: economy and finance; transport and public works; justice; health and social affairs; public administration; education and youth; communication, tourism and culture. The main sources employed in the drafting of the report were the existing institutional and legislative provisions regarding the areas and rights covered by the Covenant, as well as the quantitative data produced periodically by the Department for Statistics and Census and the Monetary and Exchange Authority of Macau - the bodies responsible for the production of the official statistics of Macau. Management reports by those departments and services with financial or administrative autonomy were also employed.

61. The report was made available to members of local government and to the Administration.

F. The role of international cooperation in the implementation of the Covenant

62. The Territory of Macau is a member of several international organizations some of which concern themselves with the areas covered by this Covenant. Macau is an associate member of ESCAP (Economic and Social Commission for Asia and the Pacific), of WHO (World Health Organization), and an associate member of ARTDO (Asian Regional Training and Development Organization). Macau also participates in other organizations through some Offices of the Territory's administration. In this connection there can be mentioned IASS (International Association of Social Security), IALI (International Association of Labour Inspectorate) of which the Office for Labour and Employment Affairs is a member, IFLA (International Federation of Libraries Association), CIA (Conseil international des archives) and ICMHS (International Council for Museums and Historical Sites) of which the Cultural Institute of Macau is a member.

63. As will be seen in the specific points dealing with the various rights, it can be concluded that the role of international cooperation has not been significant, although many different actions of a bilateral and international nature have been carried out in Macau with the collaboration of the counterpart organizations or departments of other countries.

II. IMPLEMENTATION OF SPECIFIC PROVISIONS OF THE COVENANT

Article 6

64. Only the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) has been officially accepted (published in the Official Gazette No. 42, of 17 October 1959). The provisions of this Convention have been enshrined in the labour law of the Territory, known as Labour Relations, Decree-Law No. 24/89/M of 3 April. In particular, article 4 states that: "all workers have the right to equal opportunity at work and to equal treatment in their employment and the performance of their work without distinction as to race, colour, sex, religion, membership of any association, political opinion, social class or social origin, as a consequence of the right to work to which everyone is entitled".

65. The available data on the levels of the working population, unemployment and underemployment are as follows:

Table 1

LABOUR MARKET INDICATORS

	1989	1990	1991	1992	1993
Occupational rate	67.2	66.6	66.9	65.1	65.2
Men	78.8	81.5	81.0	78.5	79.4
Women	55.8	52.9	53.7	52.8	52.3
Unemployment rate	3.7	3.2	3.0	2.3	2.2
Men	2.7	2.5	2.5	2.2	2.0
Women	5.1	4.1	3.7	2.5	2.5
Underemployment rate		2.3	1.6	1.4	1.6
Men		2.2	1.4	0.9	1.4
Women		2.3	1.9	2.0	1.8

Source: DSEC, "Labour Survey" (based on figures for May of each year).

66. For the situation of employment or unemployment of the special classes or categories of workers, such as women and young people, see table 2 regarding 1991. There is no data available concerning the position of disabled workers for the period requested.

Table 2

EMPLOYED AND UNEMPLOYED POPULATION ACCORDING TO AGE AND SEX (per cent)

Age/sex	Employed population	Unemployed population	
		Looking for first job	Looking for a new job
25 years			
Male/female	16.6	5.9	22.8
Male	8.0	3.9	9.9
	8.6	2.0	12.9
25-39 years			
Male/female	52.5	2.0	44.6
Male	30.2	-	17.8
Female	22.3	2.0	26.7
40-59 years			
Male/female	25.2	-	15.8
Male	16.9	-	8.9
Female	8.3	-	6.9
60 years			
Male/female	4.4	-	7.9
Male	3.2	-	6.9
Female	1.2	-	1.0
Unknown			
Male/female	1.2	-	
Male		-	1.0
Female		-	

Source: DSEC, Employment Survey, May 1991.

67. In this table, if we compare, by age group, the numbers of the employed population with those of the unemployed, it is possible to conclude that unemployment is greater in the categories of young and older workers.

68. Although there is no statistical data regarding social groups, the group of workers facing greatest difficulties in finding employment is that attempting social reintegration, namely ex-prisoners and ex-drug addicts, followed by those who are physically or mentally disabled.

69. In 1989 the Office for Labour and Employment Affairs was created, comprising a job centre and information and vocational guidance services.

These services are free of charge and available to all private employers and workers. They are given to more than 2,000 young people and adults each year and place more than 1,200 workers.

70. In addition to information/vocational guidance and placement services, the purpose of which is to create greater occupational mobility, enabling the worker to get a job better suited to his skills and qualifications and those who seek their first job to choose a career in accordance with their motivations, qualifications and occupational skills, there are various bodies of the Administration, as well as public and private teaching institutions, which promote short-, medium- and long-term vocational training either internally or in cooperation with related social bodies.

71. Labour law prohibits any type of discrimination in employment. In addition there is, in the Office for Labour and Employment Affairs (OLEA), the Department for Labour Inspectorate. Amongst other things, it is the function of this body to prepare reports containing the findings of inquiries into the existence of infractions of the regulations, the norms that have been breached and the applicable penalties, and to send these to the court.

72. As mentioned above, various departments of the Administration, including the OLEA, implement vocational training courses. For the duration of the courses carried out by OLEA, which last an average of 1,500 hours, trainees are entitled to a training benefit. These courses are designed for young people and adults.

73. Five vocational training courses have been carried out in 1993, for 125 trainees, and with a total duration of 7,500 hours. Three other courses were run in collaboration with related social bodies, in which 56 trainees took part and which lasted 1,140 hours.

74. The Office for Economic Affairs has a vocational training department. It has run courses of a technical nature designed for the industrial sector, in particular the textile and garment industries. In addition, there have been courses in computer science, management, accounting and finance, secretarial skills and public relations.

Courses organized by the Centre for the Promotion of Industrial Development

	No. of courses	Total no. of students
1990	144	2 572
1991	212	3 791
1992	246	4 572

Source: Office of Economic Affairs Management Report.

75. In 1992, 246 courses were run for 4,562 trainees, totalling 7,569 hours, an increase of 16 per cent in the training capacity as compared with 1991. There was also an increase in the number of young trainees who participated in these activities. In 1992 around 60 per cent of the total hours were devoted to training in the garment and knitwear industry, covering various levels of skills from manual workers to production and commercial managers.

76. There is also a vocational training department in the Macau Tourism Office. This covers various areas, providing courses of professional training, studying the needs in terms of vocational training, providing basic skills training and refresher courses, in addition to other training actions and projects. During the academic year 1992/93, 362 trainees participated in 12 courses covering several areas, totalling 3,136 hours of training.

77. Macau Polytechnic Institute has a Centre for Continuing Education and Special Projects. In 1993 this Centre, as can be seen in table 3, provided 62 courses for technical and occupational upgrading, in 12 training areas, with the participation of 1,064 trainees, totalling 2,328 training hours.

Table 3

COURSES FOR TECHNICAL AND OCCUPATIONAL UPGRADING
(POLYTECHNIC INSTITUTE OF MACAU)
1993

Field of work	No. of courses	No. of hours	No. of participants
Management	8	186	154
Human Resources Management	2	46	31
Law	2	48	38
Computer Science	24	782	378
Secretary and P.R.	5	123	92
Administration	6	141	124
Training of Instructors	4	172	56
Languages - English	11	830	191
Total	62	2 328	1 064

78. The target group for these courses was civil servants. However, from 1994 the range of the courses has been broadened and made available to the general public. In some cases trainees attending courses offered by other bodies are entitled to training benefit. In other cases the courses are free of charge or open to trainees at a nominal fee. Courses are open to all the residents of the Territory, provided that they meet the requirements concerning qualifications and age.

79. The allocation of human resources to different sectors and occupations is directly conditioned by the available vocational skills of these resources which has an effect on productivity.

80. In Macau there is no discrimination whatsoever based on sex, race or religion. As a result of the established rights, there has been a manifest improvement in the practice of equal opportunity for all residents of the Territory. However, with the aim of establishing flexible decentralized labour relations, Macau's labour legislation excludes non-resident workers from its scope (that is, workers coming from other regions to meet the shortage of workforce in certain occupations and for a fixed period). In this case there are special regulations safeguarding the basic rights of employment of the non-resident group - Governor's Orders No. 12/GM/88 and No. 49/GM/88. These regulations state certain clauses which must be included in the individual contract of employment: the direct and indirect guarantee of lodging, payment of the contracted wages, assistance in the case of illness and maternity and assistance in case of accidents in the course of employment and occupational diseases.

81. The services of guidance and vocational training are open to all the resident population of the Territory without any kind of discrimination.

82. There is no date available concerning persons who hold more than one full-time job, but we presume that the number is very low. The normal working week is 48 hours and, according to OLEA data in 1992, the average number of hours worked per week does not exceed the norm.

83. In the last four years there have been two symposia on labour law and a seminar on vocational training. ILO experts participated in these events along with representatives of official institutions of Singapore, the Republic of Korea, Japan, the Philippines, China and Portugal.

Article 7

84. The following ILO Conventions have been officially accepted by the Territory:

Equal Remuneration Convention, 1951 (No. 100), published in the Official Gazette No. 50 of 10 December 1966, enshrined in the Territory Labour Law, Decree-Law No. 24/89/M (Labour Relations - Juridical System), in articles 4, 34, 36;

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), published in the Official Gazette No. 29 of 16 July 1960, enshrined in article 17 of the Labour Law which states that in each period of seven days workers are entitled to 24 consecutive hours of rest, without prejudice to their wages;

Labour Inspection Convention, 1947 (No. 81), published in the Official Gazette No. 11 of 17 March 1962, put into practice through the creation of the Labour Inspection Department, within the OLEA (art. 7 of Decree-Law 40/89). Amongst other things it is the function of this department to oversee the proper application of legal, regulatory and contractual provisions for the protection of workers.

Although the remaining Conventions have not been explicitly accepted in the Territory, many of the principles and rights they contain are applied in legislation in force in the Territory.

85. Although the establishment of a minimum wage is not compulsory, Labour Law, Decree-Law 40/89, chapter V, establishes the general principle of a fair wage, its definition, calculation and obligatory compliance.

86. Weekly rest in industry is covered in article 17 of the Territory's Labour Law which states that "All workers are entitled to a rest of 24 consecutive hours in each period of seven days without prejudice to their wages."

87. Public holidays and paid vacations are covered by articles 19 and 21 of the above law which provides for six public holidays with pay and six days of paid vacation each year.

88. Agricultural activities in the Territory are negligible, therefore there is no labour inspection specifically for this sector.

89. Besides the various provisions of the Labour Law which safeguard conditions in the workplace prejudicial to women and minors, there are also the following decree-laws:

Decree-Law No. 57/82/M, General Regulation on Health and Safety on Industrial Work Sites, of 12 October (Official Gazette No. 42);

Decree-Law No. 78/85/M of 10 August (Official Gazette No. 32) establishes the right to compensation for damage caused by accidents at work and occupational diseases;

Decree-Law No. 37/89/M of 22 May (Official Gazette No. 21) approves the General Regulation on Health and Safety in commercial establishments, offices and services;

Decree-Law No. 44/91/M of 19 July (Official Gazette No. 28) approves the Regulation on Health and Safety in Civil Construction);

Decree-Law No. 34/93/M of 12 July (Official Gazette No. 28) approves the Regulation on Occupational Noise.

90. Wages are fixed by agreement between the employer and the worker. There is no system of minimum wages. However, chapter V of the Labour Law protects the right to fair wages, their definition, calculation and obligatory compliance.

91. The available data on wages is set out in table 4.

Table 4

SALARIES AND CONSUMERS PRICE INDEX (CPI) TIME SERIES

	1989	1990	1991	1992	1993
Median salaries (MOP/month)	2 261	2 585	2 911	3 362	3 959
Variance	-	14.3%	12.6%	15.5%	17.8%
CPI (annual)	145.4	157.0	172.0	185.3	197.7
Variance	-	8.0%	9.6%	7.7%	6.7%

Source: DSEC, Labour Survey - May, and Annual CPI.

92. There are no situations that show the existence of infringements of the principle of equal pay for equal work, or conditions of work for women which are inferior to those enjoyed by men.

93. There is no statistical information regarding the distribution of income between the public and private sectors. The available data concerning the average remuneration of the public sector employees (civil services and the security forces) are as follows:

	1989	1990	1991	1992
Public sector a/	5 876	6 891	7 917	9 067

Source: Human Resources of Macau's Administration - Administration and Civil Services.

a/ Weighted average remuneration according to the number of workers of each category.

We must point out that the available data do not allow a comparison of remuneration for comparable jobs in the public and private sectors.

94. The legal provisions on occupational health and safety referred to above are implemented by the Labour Inspectorate.

95. Non-resident workers (foreign workers who are imported to meet the shortage of labour for a temporary period), are protected by special regulations: Governor's Orders No. 12/GM/88 and No. 49/GM/88.

96. Tables 5-7 provide data on occupational accidents.

Table 5

NUMBER OF VICTIMS OF OCCUPATIONAL ACCIDENTS BY AGE GROUP

Age group	1987	1988	1989	1990	1991
< 14 years	5	-	-	-	-
14-24 years	448	462	622	499	573
25-44 years	-	-	1 563	1 649	1 609
45-64 years	1 497 a/	1 625 a/	273	281	283
> 65 years	-	-	15	13	25
Unknown	17	9	8	13	8
Total	1 967	2 096	2 481	2 455	2 698

Source: OLEA

a/ Before 1989 only three age groupings were used: < 14 years, 14-24 years and 25 years and above.

Table 6

VICTIMS OF OCCUPATIONAL ACCIDENTS ACCORDING TO CAUSES

	1987	1988	1989	1990	1991
Falls	78	158	219	284	345
Falling objects	73	55	126	72	75
Collision with objects (excluding falling objects)	402	168	1 094	880	713
Trapped in or between objects	556	903	193	622	826
Over-exertion or false movements	280	293	375	375	454
Exposure to or contact with extreme temperatures	103	104	108	120	116
Exposure to or contact with electrical current	15	8	14	3	9
Exposure to or contact with noxious or radioactive substances	25	1	16	24	30
Other causes	386	406	336	75	130
Unknown	49	-	-	-	-
Total	1 967	2 096	481	2 455	2 698

Source: OLEA

Table 7

ACCIDENTS RESULTING IN DEATH ACCORDING TO CAUSES

Causes	1987	1988	1989	1990	1991
Falls and falling objects	-	2	2	6	5
Collision with objects	-	1	-	1	2
Trapped in or between objects	-	2	-	-	-
Over-exertion	-	-	-	-	1
Exposure to or contact with electrical current	-	1	1	1	-
Exposure to or contact with noxious or radioactive substance	-	-	-	2	-
Other causes	-	1	3	5	4
Total	-	7	6	15	12

Source: OLEA

97. There are no indications in the Territory that there is discrimination in employment against any group of workers.

98. Labour law provides for 8 hours of work per day and 48 hours per week, and there must be a minimum break of 30 minutes in each 8 hours of work. There must be a weekly rest of 24 hours every 7 days of work, without loss of remuneration; 10 obligatory holidays, 6 of which must be remunerated; and a minimum paid leave of 6 working days per year.

99. Section 2 of article 10 of Decree-Law No. 24/89/M stipulates that: "(...) according to usage and custom, the way of working, or the existing agreement between employer and employee, the limits imposed in the preceding paragraph [i.e. 8 hours of work per day] may be exceeded up to the limit of 10½ hours per day. However, work exceeding the 8 hours is not mandatory." Nevertheless, in some cases it is difficult to know whether the provision of this section are respected by employers.

100. The law covers all categories of workers. However, in practice, domestic helpers are the least able to enjoy their rights because this is a very difficult area to control. As has already been stated, non-resident workers are not covered by the Labour Law.

101. As stated above, experts from other countries and territories in the region have contributed to the organization of symposia in Macau.

Article 8

102. The Territory has expressly accepted ILO Convention No. 98 on the Right to Organise and Collective Bargaining, 1949, published in the Official Gazette No. 28 of 11 July 1964.

103. Workers are free to form associations themselves or to join workers' associations which are similar to trade unions. With the exception of the Association of Construction Workers and the Association of Builders and Real Estate Companies of Macau, there is no collective bargaining. In addition to five associations of civil servants there are 43 associations of workers, group by economic sectors, which are involved in trade union activities. There is no data available concerning the size of their membership.

104. The right to strike is not regulated in the Territory. However, section 2 of the Organic Statute states that principles, rights, freedoms and guarantees established by the Constitution of the Portuguese Republic are also in force in the Territory. Thus, the right to strike is protected in Macau.

105. No restrictions are placed upon the exercise of the rights enshrined in this article for civil servants and members of the public administration. According to the Disciplinary Statute of Macau Security Forces (MSF), Decree-Law 84/84/M of 11 August (published in the Official Gazette No. 33) there are restrictions regarding the exercise of these rights by elements of the MSF.

Article 9

106. The Territory has not signed any of the ILO conventions on the right to social security.

107. There are two different systems of social security: one providing for workers in the public administration and the other civil servants and the other for workers in the private sector.

Public Sector

108. In the Territory there are about 15,700 18/ civil servants including the members of the Macau Security Forces. This represents about 8.2 per cent of the working population. The Macau Pensions Fund 19/ is responsible for administering the system of retirement pension and benefits for civil servants and other members of the Administration.

109. Under the provisions of the Statue of Macau Civil Servants (SMCS), Decree-Law No. 87/89/M, of 21 December, there are the following social security benefits: retirement pension, survivors pension, death benefits, seniority bonus, family benefit, residence allowance, marriage allowance, maternity benefits, funeral allowance, vacations allowance, Christmas allowance, shifts subsidy, medical care benefits.

110. Retirement pension. Of the 15,700 civil servants, only about 8,000 are active subscribers of the Macau Pensions Fund. However, there are as many as 3,091 non-active subscribers. Civil servants and other members of the administration enjoy the right to a retirement pension, since they have made the legal payments to the Macau Pensions Fund, under article 259 of the Statute of Macau Civil Servants. According to this provision, only those civil servants or other members of the administration whose age allows them to carry out a minimum of 15 years' service until the age limit fixed by law for the exercise of their functions can subscribe to the Macau Pensions Fund with retirement benefits in view.

111. The pension value varies depending on the number of years of service in the administration and on the category of remuneration at the date of retirement In general terms, it is equal to the thirty-sixth part of the civil servant's salary, multiplied by the number of years counted for the retirement, up to a maximum of 36 years (art. 264 of the SMSC, according to Law No. 11/92/M, of 17 August). Pensions are revised in proportion with changes in the income levels of active workers.

112. Taking into account the benefits established for the inactive groups (Christmas allowance and fourteenth month, residence allowance, transport allowance and so on), the average monthly expenditure per capita in 1993 was MOP 7,165 (against MOP 6,220 in 1992).

113. There are two types of retirement benefit: voluntary and compulsory. The former is given at age 65, with a minimum of 15 years' service. The latter is given for permanent and total disability, as certified by the Medical Board (a minimum of 15 years' service is also required), or for permanent and total disability resulting from occupational accident or illness contracted in the performance of one's work, or in the performance of humanitarian acts or actions on behalf of the community. In this case, no minimum number of years of service is required.

PENSIONS PAID BY THE MACAU PENSIONS FUND (MPF)

	No. of pensioners	Expenditure (thousands of MOP)
1990	2 009	101 884
1991	2 032	117 892
1992	2 146	142 086
1993	2 231	170 117

114. Survivors pension. The amount of the survivors pension is equal to half the retirement pension that the member of the pension fund was entitled to receive at the date of his death, or that he would have been entitled to if he

had left the job at that time in order to retire. The survivors pension is paid to the surviving spouse and unborn children, as well as other successors who are entitled to benefit from the family allowance. At the end of 1993, there were 860 people receiving the survivors pension. In the same year, the Macau Pensions Fund spent the sum of MOP 31.4 million.

	No. of pensioners	Expenditure (thousands of MOP
1990	770	19 093
1991	810	22 692
1992	851	27 323
1993	860	31 365

115. Death benefit. The death benefit is payable in an amount equivalent to six times the monthly salary, plus all the remuneration that was owed at the date of death, or six times the pension owed at the same date, in the case that the person has already retired. Beneficiaries are any spouse not legally separated from persons and property, children or other descendants; in the absence of these, parents or others in the line of ascendants and finally, brothers/sisters or nephews/nieces who represent them.

Allowances paid by Central Administration*

	No. of beneficiaries	Expenditure (thousands of MOP)
1990	40	1 094
1991	60	2 230
1992	65	2 422
1993	66	2 934

Source: DSF and Macau Pensions Fund.

* Includes retired groups.

116. Seniority bonus. For every five-year period of service the worker is entitled to receive an amount of MOP 190,000 every month, up to the limit of seven periods.

117. Family benefit. An amount of MOP 140 for parent or spouse and MOP 190 for descendants is paid.

(a) To descendants when they are minors or between 18 to 21 years old if they are in secondary education or the equivalent, and up to 24 years old if they are enrolled in higher education, or engaged in post-graduate studies;

(b) To the spouse, parents or their equivalents, if their monthly income does not exceed MOP 2,050.

Allowances paid by the Central Administration*

	No. of beneficiaries	Expenditure (thousands of MOP)
1990	5 679	21 719
1991	6 266	23 818
1992	6 723	25 389
1993	6 247	30 000

Source: DSF and Macau Pensions Fund.

* Includes retired groups.

118. Residence allowance. Current employees, as well as those who are no longer connected with the service because they are retiring or have already retired, and who live in Macau, are entitled to receive an amount of MOP 900 each month, if they neither own a house nor live in a house belonging to the Administration.

Allowances paid by the Central Administration*

	No. of beneficiaries	Expenditure (thousands of MOP)
1990	5 907	50 813
1991	7 067	58 770
1992	7 637	63 491
1993	7 055	74 468

Source: DSF and Macau Pensions Fund.

* Includes retired groups.

119. Marriage Allowance. An amount of MOP 2,000 per worker is paid.

Allowances paid by the Central Administration*

	No. of beneficiaries	Expenditure (thousands of MOP)
1990	150	226
1991	308	469
1992	289	433
1993	285	549

Source: DSF and Macau Pensions Fund.

* Includes retired groups.

120. Maternity benefit. An amount of MOP 2,000 per child is paid.

Allowances paid by the Central Administration*

	No. of beneficiaries	Expenditure (thousands of MOP)
1990	205	372
1991	388	705
1992	437	791
1993	354	699

Source: DSF and Macau Pensions Fund.

* Includes retired groups.

121. Funeral allowance. An amount of MOP 2,200 on the death of each worker is paid. The expenses of the funeral can be covered in their entirety by the Administration in the following situations: if a worker dies due to an accident at work, or from a disease contracted while carrying out and in the exercise of public functions, or if death results from a humanitarian act or from an action on behalf of the community.

Benefits paid by the Central Administration*

	No. of beneficiaries	Expenditure (thousands of MOP)
1990	56	101
1991	73	131
1992	62	111
1993	91	198

Source: DSF and Macau Pensions Fund.

* Includes non-working group.

122. Vacations allowance. An amount equal to the remuneration corresponding to the post held by the worker and based on the salary is paid on 1 June of each year. The bonus is paid during that month.

123. Christmas bonus. An amount equal to the remuneration corresponding to the post held by the worker and based on the salary is paid on 1 November of each year. The bonus is paid in that month.

124. Shift subsidy. The amount is variable. It is distributed according to three grades of salary, 7.5 per cent, 12.5 per cent and 17.5 per cent respectively, according to the number of shifts and their length if they extend partially or totally to weekly or complementary rest periods.

125. Medical care benefit. Civil servants and the members of their family are entitled to free health care. The contribution of the worker is fixed at 0.5 per cent of the total wages, salary or retirement pension.

126. Method of financing. The contribution towards the retirement benefit is 27 per cent of the salary, plus the seniority bonus, and it is paid as follows:

(a) 9 per cent by the employee or agent - amount retained at source;

(b) 18 per cent by the Territory Administration.

According to the contract of concession on horse racing the concessionaire is bound to give 1 per cent of the annual income from bets laid to the Macau Pensions Fund. In 1993 the contributions on the part of the workers and the Administration to the scheme amounted to MOP 246.3 million while the amount raised by the concession was about MOP 11.7 million. The running expenses of the retirement and survival pensions are covered by the Genèral Budget for the Territory.

Private sector

127. Although the above-mentioned ILO conventions have not been signed, the Decree-Law No. 84/89/M of 18 December 1989 establishes the institutional framework of an obligatory scheme of contributions - the Social Security Fund (SSF) - to prevent situations of greatest hardship amongst unprotected local workers in the private sector.

128. In 1993, the SSF covered approximately 142,000 workers, that is, about 80 per cent of the working population, and provided the following allowances: old age pension; disability pension; unemployment benefit; sickness allowance; pneumoconiosis allowance; credit resulting from working relations; accidents at work; to maternity leave. Article 37 of Decree-Law No. 24/89/M states that companies must allow pregnant women 35 days of paid maternity leave without loss of remuneration, up to a maximum of three births.

129. On 1 January 1994 Decree-Law No. 58/93/M, of 18 October (published in the Official Gazette No. 42) came into force. This has broadened the scope of welfare benefits with a social pension, supplementary benefits for pensioners, maternity benefits, a marriage allowance and a funeral allowance. The social pension is a benefit in cash of MOP 400 per month to protect elderly and disabled people who do not have the means to meet their basic needs. Beneficiaries of pensions from the SSF can be awarded a supplementary benefit when it is proved that the amount of the pension is not sufficient to meet their basic needs. The supplementary allowance is awarded and paid by the Instituto de Acçao Social de Macau and its amount varies according to the size of the household.

130. Old age pension. In order to receive this pension the following requirements must be met:

(a) The person must have habitually resided in the Territory at least for 7 years; they must be 65 years old or more and have made social security

contributions for at least 5 years. This means that this benefit will only become payable from January 1995. From then onwards the amount of old age pension will be MOP 750 per month. However, due to the aim of widening the protection of specific groups of the population, the law made provision for a monthly pension of MOP 300 from the date of the establishment of the Social Security Fund (which was increased to MOP 400 from July 1993 onwards), in the following situations.

(i) Workers of 65 years or over who worked for the 3 years immediately preceding the application;

(ii) Workers of 65 years or over who do not have any occupation, and do not have any means of meeting their basic needs.

Average number of old-age pensioners*

Year	1990	1991	1992	1993
	2 038	2 073	1 745	1 856

* The table does not include about 2,000 individuals who receive old age subsidies paid by Instituto de Acçao Social de Macau.

131. Disability pension. The amount of MOP 300 was increased to MOP 400 in July 1993. The following conditions must be met: the applicant must have habitually resided in the Territory for at least 7 years; he must be over 18 years old; a medical report testifying to the invalidity and the inability to accomplish any kind of paid work must be presented, along with a declaration from the Office for Labour and Employment Affairs testifying that the beneficiary had had an occupation. The award of this pension will depend on the favourable opinion of the Medical Board of the Social Security Fund. There were around 100 recipients of the invalidity pension in 1993 and the SSF paid out the amount of MOP 465,300.

132. Unemployment benefit. An amount of MOP 600 is paid per month. The following conditions must be met: the applicant must have habitually resided in the Territory for at least 7 years; he must be enrolled in the Job Centre of the Office for Labour and Employment Affairs; he must have worked during the 12 months immediately preceding the presentation of the application; and the absence of other means of subsistence must be proved. This benefit is awarded once only after 30 consecutive days of unemployment, but it can be renewed up to a maximum of twice, if the continuing unemployment as well as absence of means of subsistence is proved. In 1993 there were 36 beneficiaries and the total amount paid was MOP 21,600.

133. Sickness allowance. An amount of MOP 20 is paid per day. The following requirement must be met: the applicant must have contributed to the Social Security Fund for at least 6 months during the 12 months that preceded the start of the trimester in which the person became sick; the worker should not receive any remuneration for any work carried out during the period of

sickness. The allowance can be awarded for a maximum of 24 days each year, whether these are consecutive or separate. In 1993 there were 11 beneficiaries and the amount paid by the SSF was MOP 3,400.

134. Pneumoconiosis benefit. The SSF pays the expenses and compensation related to incapacity for work or for death of a beneficiary, including funeral expenses, arising from the contraction of pneumoconiosis, as is stated in the law applicable to accidents at work or occupational diseases. In 1993 there were no cases of pneumoconiosis. In 1992 there were two cases, and a total amount of MOP 320,000 was paid.

135. Credit resulting from working relations. The SSF pays these credits to workers where they cannot be paid by their employers, due to economic or financial insufficiency. These credits include: payments due as a result of accidents at work or occupational diseases, calculated according to law; wages earned but not paid; indemnities against unilateral rescission of the contract. If the post no longer exists the SSF can pay compensation immediately of an amount not greater than half of the wages to which the worker is entitled and has not yet been paid, as well as the indemnity arising from the unilateral rescission of the contract. In 1993, the SSF paid an amount of MOP 1,040,063 to 173 workers.

136. Accidents at work. In 1993 the SSF paid an amount of MOP 200,000 to one worker.

137. Method of financing. The method of financing is the following:

(a) Contributions paid by each worker of MOP 10 per month;

(b) Contributions paid by employers of MOP 20 per month for each resident worker and MOP 30 for each non-resident worker;

(c) 1 per cent of the Territory's General Budget. During the last four years the income accruing from the transferral of 1 per cent of the Territory's General Budget and of the contributions was the following:

10^3 MOP

	Contributions	Transfers = 1 per cent of the Budget	Total
1990	25 892.0	32 000.0	57 892.0
1991	34 198.0	75 743.5	109 941.5
1992	40 373.3	53 900.0	94 273.3
1993	37 163.8	101 398.8	138 562.6

Source: Social Security Fund Management Reports on the years 1991 and 1993.

Social Security

138. The expenditure on Social Security in 1989 represented 0.6 per cent of the GDP. 20/ It is estimated that in 1992 that figure represented 1.1 per cent of the GDP.

139. In addition to numerous associations of workers there are other private institutions of a civic and social character and homes for the elderly.

140. Non-resident workers are not protected by the system of social security. Given the temporary nature and special contracts of these workers, it is not probable that they will be included in such schemes. Nevertheless, the conditions which regulate the contracting of these workers safeguard the following rights, amongst others: health care and maternity protection; protection in case of accidents at work and occupational diseases. For women the right to maternity leave with paid salary is guaranteed up to a maximum of three births.

Article 10

141. The Territory of Macau has not signed any of the relevant conventions. However, many of the principles and rights that they contain are safeguarded by the Territory's legislation.

142. In our society the term "family" is a group of individuals who share a common economy and maintain a familial type of social relationship.

143. Majority is attained at the age of 18. However, the minimum working age is 16.

144. There has been a system of public assistance since 1930. It has been successively revised until, as a result of Decree-Law No. 52/86/M of 17 November 1986, the Instituto de Acção Social de Macau (IASM) was made one of the organs of the Social Action System, together with the Governor and the Social Action Council. "Social action", which does not rely on contributions, aims to protect individuals and groups in situations of hardship by the provision of either money or goods, and also through social support and services.

145. The competences of the IASM, amongst others, are:

(a) To adopt and promote measures for prevention, minimization and assistance in cases of social and financial hardship of individuals and families;

(b) To protect individuals in financial need, particularly those who do not have or are unable to secure means of subsistence due to illness, handicap, involuntary unemployment, disability or old age;

(c) To protect and provide guidance to those individuals who, due to their particular family or social circumstances, are put in the care of the IASM;

(d) To participate in the rehabilitation and vocational training of disabled or handicapped people;

(e) To cooperate with the private institutions of social solidarity, with technical and financial support, through the signing of cooperation agreements and the setting up of training courses.

146. In the last three years an average of MOP 20,200,000 was spent annually on various types of assistance.

147. The types of assistance available in 1993 and the required conditions for qualification are set out in the following table:

	No. of beneficiaries	Expenditure (thousand of MOP)	Conditions (besides insufficient means)
Assistance to the elderly*	2 001	15 900	5 years as resident & + 65 years old
Indigent	66	248	18 months as resident
Totally disabled	377	1 219	" "
Partially disabled	38	156	" "
Tuberculosis	34	211	" "
Blindness	17	103	" "
Former civil servants	21	257	not covered by Govt. social security plan
Total civil servants	12	51	" "

* Monetary assistance.

148. It must be pointed out that the monetary support given to the elderly and the disabled who have resided in the territory for seven years has been paid by the SSF since the beginning of 1994, and now comes within the old age pension and the disability pension. The amount paid is MOP 400 per month. However, this sum, together with the supplement paid by IASM, can go up to MOP 750 or more.

149. The IASM is also involved in the following activities:

(a) Licensing of crèches in order to guarantee the quality of the service;

(b) Setting up and maintaining crèches;

(c) Economic support for mothers for the placing of their children in a crèche;

(d) Support and assistance of families with social and/or economic problems.

150. Workers whose contract lasts for a period of more than one year are entitled to 35 days leave on childbirth, and their post is secured without loss of remuneration.

151. Article 39 of Decree-Law No. 40/89/M stipulates that no employer is allowed to employ or use the services of workers under 16 years of age.

152. Orphans and abandoned children are assisted by the IASM by means of:

(a) Placing them in a family;

(b) Procedures for legal adoption in collaboration with the courts;

(c) Placing them in children's homes;

(d) Licensing homes to shelter children and young people, so that certain criteria of quality can be met.

153. For mentally handicapped children the IASM is involved in:

(a) Licensing equipment designed for mentally retarded people;

(b) The provision of technical and economic support for the internment and rehabilitation of mentally handicapped children, either as internees or as day-care patients.

154. IASM provides information on its services by means of four local units which are open to the public.

Article 11

Standard of living

155. According to the results of the Household Expenditure Survey (HES) for the years 1987/88 21/ the average expenditure per family might have increased in real terms by 13.9 per cent compared with 1981/82. On the other hand, during the three years finishing in 1992, it is estimated that private consumption had increased by about 6 per cent per year, representing an increase in per capita consumption of 1.4 per cent (estimated at about MOP 32,900), in terms of annual average. This evolution is positive, reflecting an increase in real wages and employment. These indicators show an improvement in the standard of living of the population as a whole.

156. Besides these quantitative indicators, other indicators of the standard of the household expenditure are normally used to assess the improvement in living conditions, comparing it with the profile of consumption typical of countries with a higher level of income. Thus, if we compare the structure of consumption of resident families for the periods 1981/82 and 1987/88, we can note the changes in the pattern of consumption: a smaller percentage of their income is spent on food (from 42 to 38 per cent); and there is an increase in the percentage spent on services (from 8.1 per cent to 12.2 per cent), on transportation and vehicles (from 5 to 7 per cent) and on other sundry goods 22/ (from 8.1 to 12.2 per cent). The changes also point to an improvement in the standard of living of the population in general, in terms of their choice as consumers.

157. For a better assessment of the population's standard of living, these data must be supplemented with other data of a social nature (education and health), referred to in the course of the analysis of the implementation of other articles of the Covenant.

158. For the main economic indicators, see table 1 in the Statistical Appendix.

159. In 1988, for the purposes of granting free medical care 23/ the situation of "social risk" 24/ was defined as that of individuals whose income is less than MOP 500 per month or families whose income is equal to or less than those set out in the table below:

Size of the family (N)	Social risk (RS)
2 persons	950
3"	1 350
4"	1 750
5"	2 000
6"	2 250
7"	2 500
8"	2 750
9"	3 000
10"	3 250

160. On the other hand, the ordinance which regulates social housing utilizes the concept of the "family unit with unfavourable economic conditions" (art. 2, para. (d) of Decree-Law 69/88/M, of 8 August - Official Gazette No. 32). The concept of "level of subsistence expenditure" is used for the

purpose of fixing the monthly rent of a house, and in 1994 25/ this was fixed at MOP 750 although, as the table demonstrates, its value varies according to the size of the family:

Size of family	Expenditure (MOP)
1	750.00
2	1 450.00
3	2 050.00
4	2 550.00
5	3 000.00
6	3 400.00
7	3 750.00
8	4 150.00
9	4 500.00
10	4 900.00
11	5 250.00
12	5 650.00

161. Based on data from HES 87/88 it is possible to draw some conclusions regarding the profile of the distribution of the household expenditure. Families with the lowest income, 26/ which represented 6 per cent of the population surveyed, spent an amount equivalent to 3 per cent of the total expenditure, while families with the highest income, 27/ who accounted for only 12 per cent of the population surveyed, were responsible for 27.5 per cent of the total expenditure.

162. However, when the above data are compared with that of HES 81/82, one can see that the group with the lowest income 26/ (17.1 of the population surveyed) was responsible for 7.2 per cent of the total expenditure. On the other hand, the group with the highest expenditure 28/ (20.1 per cent of the population surveyed) were responsible for 49.7 per cent of the total expenditure.

The right to adequate food

163. A survey is currently being prepared on adequate food.

164. There is no available data on malnutrition.

The right to adequate housing

165. When discussing the right to housing in Macau, the specific characteristics of the Territory must be borne in mind. The small area of the Territory should be noted, along with the fact that its population density per square kilometre is considered to be the highest in the world. An obvious consequence of this situation is the shortage of land for the construction of houses. Added to this there is the fact that the Administration is the main holder of lands, which it grants, leases, or rents to third parties in concessions for different economic purposes.

166. Before dealing with the items requested for this report, we will discuss four statistical tables which give an overview of the housing situation in Macau (tables 11.1 to 11.4 from the III Census on Housing). 29/ These deal with in turn: buildings, by each parish and by the number of occupied units of housing; occupied units of housing, families and resident population by the type of unit; occupied units of housing by their location; occupied family housing units according to location and the number of families in each unit. Table 11.1 shows that the greatest number of buildings are located in the parishes of Nossa Senhora de Fátima and Santo António to the north of the city. The smallest number of buildings is on the island of Coloane. Of the 9,588 buildings in the city, only 1,208 are located on the islands. Table 11.2 shows that of a total of 89,193 occupied housing units, 5,371 are occupied by two families and 2,382 have three or more families, which amounts to 7,753 families living in a situation of overcrowding, a figure which is believed to be an underestimate. Table 11.3 shows that the units of housing in the parish of Nossa Senhora de Fátima, in the north of the city, represent one third of the total units. In that same parish are 80 per cent of the total improvised housing units in the Territory. There are 535 housing units actually in the waters of the port, which demonstrates the shortage of land for construction. Table 11.4 gives greater detail on some of the indicators already mentioned for the most populated parishes.

167. There are no homeless persons living on the streets or in the open in Macau as is the case in the big cities of the world. However, according to data supplied by IASM there are 52 persons who refuse to live in the shelters provided for the homeless. These people are well known and sometimes sleep under various well-known public buildings. When invited or advised to do so, they refuse to enter the shelters provided. In some cases they are persons who have run away from psychiatric treatment.

168. Table 11.5 of the Housing Census describes the occupied family units of housing, according to parish, type of housing, and number of rooms. Out of a total of 87,401 units of housing, the majority are units of three rooms, a total of 50,949 units. This is followed by units of four and two rooms, with 15,095 and 12,962 units respectively.

169. By parish, the figures for the north part of the city are, once more, very significant. Of a total of 3,282 units of a single room, more than 50 per cent - 1,679 - are in the parish of Nossa Senhor de Fátima. At the same time, this parish is the one with the fewest units of five, six or more rooms. Of a total of 2,435 units with five rooms, there are only 377 here; and of a total of 1,267 units with six or more rooms there are only 147 here.

170. Out of 3,709 so-called improvised housing units, 1,152 units have only one room and 1,080 have two rooms. This emphasizes the simple and precarious nature of these improvised constructions.

171. Another important statistic is that showing the relation between the occupied units of housing, according to type, and the public water supply. It is noteworthy that the public water supply extends to a large number of the units of housing. Out of 87,401 units, 85,680 are covered by the public water

supply and the remaining 1,721 units are supplied by other sources. The highest number (30 per cent) of those units not covered by the public water supply is, obviously, among the improvised housing units.

172. Table 11.6 is similar to the previous one, but omits the number of rooms of each unit. We can conclude that these 1,721 units not covered by the public water supply correspond to 2 per cent of the total.

173. Another important table is that which contains data on the relation between the occupied units by parish and type, and the installation of a bath or shower. Out of the total of 87,401, 77,835 have an internal bath or shower. This suggests that around 11 per cent of units lack that amenity. The highest number of units lacking this amenity is amongst the improvised housing units (75 per cent). The highest percentage of these are located on the islands, amounting to 60 per cent. This shows how old, precarious and improvised the lodgings are in this area. In the city the average percentage of shortage of bath or shower in the interior of the lodging units is 10 per cent, which goes up to 15 per cent in the parish of Nossa Senhora de Fátima.

174 Another statistic which serves to demonstrate housing conditions and the age of the housing stock is that relating to sanitation facilities in the interior of the housing units. The total percentage of units which lack this amenity is less than 3 per cent, which can be considered reasonable. However, this goes up to 5 per cent if one considers the absence of a flushing cistern in the oldest 4,724 units. These percentages are higher among the improvised housing units. Thus, out of the total of 3,709 units, 2,527 have interior sanitation facilities, meaning that 30 per cent lack this facility; of the 2,527 only 614 or 22 per cent have a flushing cistern. This may be interpreted as meaning that few of the improvised housing units are intended to become permanent.

175. Another indicator of housing conditions is the type of lighting. From table 11.9, it can be concluded that practically all units are lit by electricity. The number of units without access to electricity is insignificant, and the reasons for this are unknown.

176. The existence of a kitchen or a space designed for cooking is also used as an indicator to characterize housing conditions. Out of the total of 87,401 lodging units only 1,176, or 1.2 per cent, have no kitchen or space designed for cooking. Once more, the area with the greatest shortage is the north of the city, the parish of Nossa Senhora de Fátima, where 6.2 per cent of units do not have their own space or a space adequate for cooking

177. A table which gives some overall idea of the density of occupation in Macau is that which compares the occupied housing units, by the number of rooms, to the number of persons residing there. Out of 87,401 units, 50,949, (about 60 per cent), have three rooms. These are followed by the units with four rooms, less than 20 per cent of the total, and by those with two rooms, about 15 per cent of the total.

178. As for the size of families that live in the same unit of housing, the largest number are families with four members, followed by those of three, five and two. However, the existence of families of more than 8 persons, and sometimes reaching as many as 20 persons is significant. Such a large number of persons living in the same unit may mean that they are various families with the same parental root or other groups without any parental relation.

179. The study of the statistical tables must be completed by referring to the statistics on the occupied family units of housing and the size of the families and the population living in those units, according to their location in the Territory. The data draws our attention to the fact that the number of families is much greater than the number of the family housing units: a shortfall of 10,669 housing units.

180. The parish of N. Senhora de Fátima is the most populous of the Territory with over one third of the total population. The average size of family household in this area is 3.6 persons, the second highest, exceeded only by those living on the waters of the port, where the average size of family household is 5.29.

181. In considering the number of persons classified as living in "illegal" settlements or housing, it is assumed that this relates to a typical pattern of illegality: the construction without permission on private property of dwellings built by the occupant. In Portugal, following this illegal pattern of construction, quarters and streets have spread out in areas which had not been earmarked for building. At times, this has been a way of avoiding the bureaucratic red tape of the licensing authority. In Macau this type of illegality has the particular feature that the unlicensed constructions generally occupy vacant plots of land belonging to the Territory itself - in the case of shanties and improvised housing - otherwise they are precarious constructions on roofs, in corridors, in empty stairwells and so on, occupying someone else's property or the common parts of high-rise buildings. We will refer to the situation of shanties and improvised housing later on, but it is not possible to provide statistics on other type of illegal housing.

182. We will discuss the number of evictions in general, with particular emphasis on those classified as arbitrary, or carried out without legal protection.

183. There are very few judicial evictions in the Territory. In his study published in the magazine Administração Pública de Macau, No. 13/14 entitled "Justiça e a comunidade em Macau: problemas sociais, a Administração Pública e a organização comunitária no contexto da transição" ("Justice and the Community in Macau: Social Issues, the Public Administration and the Community Organization in the Context of Transition"), Prof. Boaventura de Sousa Santos presents a table of the actions for eviction filed by Chinese each year from 1960 to 1989. The year with the greatest number of actions was 1965 with 50 and the annual average for the last decade is 26.

184. Another category of eviction that exists in Macau is the administrative eviction. It is neither fair nor just to speak of this as arbitrary eviction. Those in breach of their legal obligations are guaranteed means of defence:

the right to a hearing and the right to contest the reasons that may have led to the rescission of the lease. The action for administrative eviction is brought only when the other party does not voluntarily accept the unilateral rescission of the contract.

185. The administration controls a huge stock of social housing and only uses administrative eviction as a last resort. There is no appeal to courts against administrative eviction, but if a person feels that he has been unfairly treated it is possible to present a claim to the High Commissioner against Corruption and Administrative Illegality. As an illustration, we would point out that of nearly 30 cases of evictions that took place during the last year, all have been accepted by the individuals concerned. The only exception was due to a material error in filing the case, which was promptly corrected after the police report.

186. A very particular characteristic of the judicial system of the Territory is that the majority of the people for whom it is designed, the Chinese population, are not familiar with it. This may explain why it is so little used. Nevertheless, under no circumstances can it be said that there is no legal protection or that there have been arbitrary actions by the authorities.

187. In the context of a liberal economy, where the role of the Administration in the regulation of economic activity is limited to the minimum level necessary, the relation between individual income and expenditure on housing is not defined by the Government. Nevertheless, in the allocation of social housing, the Government establishes a relation between the size of family and its monthly income, in order to determine whether the family is in a disadvantaged economic situation.

188. Once houses have been allocated, the rents are fixed on the basis of the monthly income of the family, classified according to categories and under legal criteria. In spite of being initially fixed, the rents can be subject to revision, and may be increased, reduced or even waived, according to the current family income. This revision takes place periodically, or if a representative of the family presents a corroborated declaration.

189. The rent is also fixed in accordance with taxa de esforço 30/, which increases in value (between 5 and 17.5 per cent), as the income increases (Decree No. 102/94/M of 18 April, Official Gazette, No. 16).

190. There are over 1,000 requests for social housing and the waiting list can last several years. The allocation procedure is established by law and gives priority to those meeting certain requirements: cases of eviction from improvised housing ordered by the administration; cases of families lodged in centres for victims of accidents or in temporary housing; families who are the victims of disasters and have lost their usual housing. Only after allocation by this process is completed does the normal process for awarding houses to families in disadvantaged economic situations take place.

191. There is no statistical data on the size of the private rental sector or owner-occupied housing. The available data is related to the sectors either belonging to the Administration or in which it intervenes directly. Thus, on 31 December 1993 there were 5,302 social rental units and 1,129 designed

for temporary purposes, totalling 6,431 social housing units. If we take the average size of family as 3.5 persons, then the total of those who live in social housing is about 22,500 persons. In 1993 there was an increase of 330 units for social rental, on the 1992 figure.

192. We referred earlier to the existence of improvised housing units, occupying vacant plots of land in the territory. In December 1993 there were 3,068 improvised dwellings for 3,464 families, totalling 12,626 persons. According to the official data in 1991 there were 4,603 of these for a total of 5,415 families, amounting to 19,739 persons. The conclusion that can be drawn is that in these two years there has been a substantial reduction, of around 35 per cent in both the numbers of improvised houses and the number of persons living in them. We would add that there is currently a scheme in operation to eradicate improvised houses by the end of 1995.

193. Due to the special characteristics of the Territory the area of housing law is not very developed, in particular in relation to provisions that would make the right to housing effective. Due to the principle of minimal government intervention, it is understandable that the legal framework is of reduced importance. The only law that may be classified as a general law, is Law No. 13/80/M, 6 September, whose provisions were implemented by specific regulations during the 1980s.

194. Equally, the intervention of the Municipal Councils is not of great importance, compared to other territories or countries, where the construction of the social housing and the cooperative sector have the support of local government. However, notwithstanding this, the Administration has played a role in the construction of social housing since 1960, constructing the following:

Year		Enterprises	Total	Unit lodgings
1960	...	Aldeia da Esperança	...	32
		Seak Pai Wan	...	32
1968	...	Angélica L. Santos	...	70
		Bº Económico da Taipa	...	200
1970	...	Julieta N. Carvalho Bloco A	...	70
1971	...	Julieta N. Carvalho Bloco B	...	108
1973	...	Julieta N. Carvalho Bloco C	...	162
1980	...	Fai Chi Kei	...	240
1985	...	Torres ABC	...	579
1988	...	Mong Há	...	650
Total	...	...	...	2,143

195. It is worth noting that mass emigration to the Territory in the 1980s brought enormous problems for the Administration in the area of housing. As a result, through direct construction, 1,469 units of housing were constructed in the following quarters: Fai Chi Kei Quarter, Towers A, B and C of Tamagnini Barbosa Quarter, and the Mong Há Quarter.

196. Given the pressing need for social housing, in 1984 the Administration launched a programme of indirect promotion of social housing (Decree-Law No. 124/84/M of 29 December), known as Contracts for Housing Development (CHD), and which is running in conjunction with eradication of the improvised housing. According to the law these "are special contracts between the Administration and civil construction companies, in which the latter agree to construct of low cost social housing, in return for various benefits and support from the Administration". In these contracts it is stipulated that the Administration will receive a percentage of the units constructed and ready for habitation as part of its housing stock. Since 1987, the Administration has been receiving these houses and either using them as social housing or selling them.

197. Between 1987 and 31 December 1993 14,670 housing units were built under the CHD. The Administration received 2,419 of these - 16.5 per cent - selling 582 and leasing out the remaining 1,837. In a similar manner to this scheme the Administration received 780 housing units from the so-called special contracts.

198. The fundamental law on lands in Macau is No. 6/80/M of 5 July, known as the Land Law. This is complemented by the Portuguese Civil Code, with slight adaptations for Macau, which was extended to the Territory by Administrative Regulation 22,869 of 23 November 1967, published in the Official Gazette, No. 46, 2nd Supplement of 1967.

199. The Land Law, comprising 14 chapters and 203 articles, regulates such matters as: public ownership, private property and public property; land reservations; land zoning; classification and conditions for the occupation of vacant land; disposal of vacant land; sale; concessions and occupation of land; demarcation of property; rights and duties of the concession holders; procedures for granting concessions and occupation; substitution and transfer of a concession of land; termination of the process and of the concession; land registration, property registration and institutions; penalties; miscellaneous provisions and definitions.

200. Reading the preamble of the Land Law, some of the historical reasons for the form of the law of property in Macau become clear. Regulation No. 1860 of 20 November 1971 states that it: "(...) considers leasing as the way of disposal of the land for the construction of urban buildings, in order to promote private enterprise, relieving the concession holders from the heavy costs inherent in the use of land, such as those overheads related to work of embankment, sanitation and urbanization and the removal of improvised constructions."

201. The lease of urban buildings is regulated by Decree-Law No. 43.525 of 7 March 1961, published in the Official Gazette No. 14 of 8 April, together with the Civil Code. These regulate the rights and obligations of the landlord and tenant, as well as matters related to revocation, rescission and expiry of leases. The Administration does not exercise rent control.

202. There is special regulation of leases in the social housing sector: Decree-Law No. 69/88/M of 8 August, published in the Official Gazette No. 32, which regulates the allocation, lease and management of buildings and units of social housing. This law establishes the rights and duties of the contracting parties and states the conditions for rescission, termination, and expiry of the leasing agreements. The protection of the tenant's rights and the bodies who have the power to enforce them are thus established by law.

203. At the institutional level there are also tenants' associations which have the power to bargain with the Administration.

204. There are allowances for housing that are allocated directly to families to buy economic housing and in the form of housing allowances to civil servants. An indirect allowance is the calculation of the rent in social housing, since its value is based on the size and income of the family.

205. Decree-Law No. 79/85/M, of 21 August, also known as General Regulation on Urban Construction (GRUC), sets out the technical norms for the construction of buildings. The ordinance includes norms of an administrative nature which define the conditions for the development of projects, the procedures for submitting them for approval, the licensing of the construction works and their management. This last includes the administrative follow-up, controlling and supervising compliance with the law and, in extreme cases, inflicting penalties on those who infringe the provisions.

206. The Laboratório de Engenharia Civil de Macau (Civil Engineering Laboratory) is the body responsible for controlling the quality of materials used in civil construction. This body recently signed an agreement with the direction of the Obras Públicas e Transportes (Public Works and Transportation Department), on better ways of assisting the Direcção de Serviços de Solos, Obras Públicas et Transportes (Office for Land, Public Works and Transportation) in the control of the quality of materials used in civil construction.

207. There are no legal provisions for the prohibition of discrimination in the housing sector in Macau.

208. The eviction and removal of tenants is regulated by law and can take place only when legal requirements based on certain objective conditions are met.

209. The law of housing in Macau is constantly being updated in accordance with the changing situation. There are currently various proposals under discussion to upgrade and update the existing laws, particularly with regard to leases and the management of condominiums.

210. There is no specific law against speculation in housing or property. However, there are some norms in the Decree Law No. 13/93/M, of 12 April, which regulates Contracts for Housing Development, which are designed to fight foreseeable speculation in subsidized housing. Under this law the HAM (Housing Authority of Macau) can apply sanctions to concession-holding companies and to buyers when they carry out any of the following acts prohibited by law: the onerous of free ceding of title or the utilization of the property for purposes other than housing on the part of the buyer; the sale of the houses for a higher price than that established by law, or their promotion by third parties, when these acts are considered as acts of speculation or abuse according to the ends of the law.

211. The only relevant regulation of the "illegal" housing sector for the purposes of this item is that related to improvised constructions and shanties. Decree-Law No. 6/93/M, 15 February "establishes measures to contain and eradicate improvised constructions or shanties in the Territory at the time of this law entering into force, outlining the expectations of, and defining the duties which fall upon the various occupants". It is clear that in this ordinance: (1) Following the findings of the census on constructions, carried out prior to the law entering into force, there is a recognition of the current situation; (2) Any unlicensed improvised building, constructed or begun after the law has come into force, will be demolished under the law. The recognition of the existence of improvised housing will last during the phased process of eradication. In this sense the changing of an illegal situation into a legal one, which occurs in Portugal and was referred to earlier, does not exist in Macau.

Article 12

212. In line with the strategy proposed to the World Health Organization (WHO) - "Health for All by the Year 2000" - the Macau Health Service (MHS) provides mainly free universal access to health care, to all the population of Macau. The Decree-Law No. 24/M/86 of 15 March, which came into force in 1986, was an important step towards the implementation of this strategy. The General Budget of the Territory (GBT) covers totally or partially the cost of the services rendered by the MHS.

213. Health care is free in the following cases:

(a) In the Health Centres (medical care, nursing and medication);

(b) For reasons of public health, to those who are suspected of carrying infectious or contagious diseases, drug addicts, people suffering from cancer or needing psychiatric assistance, and also in the area of family planning;

(c) Population groups whose health is at risk, such as pregnant women and in childbirth, post-natal care, and for children in primary and secondary schools;

(d) Prisoners;

(e) Families or individuals with family problems;

(f) Individuals over the age of 65.

214. Goal 35 of "Health for All by the Year 2000" stipulates that "Member States should be equipped with information systems for health care which would be able to support their national health care strategies for all". To this end a new and completely computerized information system for health care was introduced on 1 January 1990. By the end of 1993 about 200,000 patients were registered on the database.

215. The following are the physical assets of the integrated health system of Macau in 1993:

(a) 1 general hospital with 399 beds;

(b) 9 health centres which offer primary health care;

(c) 1 public health laboratory;

(d) 1 centre for blood transfusions;

(e) 1 technical school for training nurses and auxiliary staff in diagnosis and therapy;

(f) an office for pharmaceutical matters.

216. There are 1,731 professionals working in the MHS, of which 287 are doctors and 500 are nurses. About 80 per cent of the staff are from Macau or the People's Republic of China.

217. There are also some private bodies which provide health services to the population of the territory: Kiang Wu Hospital with 587 beds, 100 doctors and 262 nurses; Tung Sin Tong Association; Workers' Clinic; Hope Medical Group. These institutions cooperate with the Administration to provide free health care to certain groups of the population in exchange for financial assistance (subsidies) from the official services. Along with these institutions, whose status is equivalent to the private institutions for social solidarity, there are other bodies providing health care, the licensing and control of which is the responsibility of the MHS.

218. The fundamental goal of health care policy is the improvement of the quality of life and the living conditions of the population, so that economic development is reflected in individual and collective well-being. Health policy aims to achieve the following objectives in 1994:

(a) A strengthening of prevention against factors capable of affecting physical and social well-being;

(b) Upgrading of health systems;

(c) A strengthening of those factors which lead to greater stability and continuity in the health system, and upgrading the training of human resources which will ensure the future functioning of the system and strengthen its relationship to the community;

219. In 1989, 9.7 per cent of public expenditure was on health care, some 1.5 per cent of the GDP. Since the available figures for 1992 are considered to be an underestimate in relation to the real figures, they are not reproduced here. 31/

220. The infant mortality rate (number of deaths of children under 1 year for every 1,000 live births) was 8.4 in 1990, 7.5 in 1991, 7.3 in 1992 and 8.6 in 1993.

221. Between 1989 to 1992, the percentage of units of housing with access to safe drinking water grew from 95 per cent to 98.3 per cent.

222. Between 1989 and 1992, the percentage of the population with access to adequate excreta disposal facilities grew from 98 per cent to 99.3 per cent.

223. The figures for the years of infants immunized against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis for 1992 and 1993 are the following:

	1992	1993
DTP (diphtheria, tetanus and pertussis)	80.4	82.1
VAP (poliomyelitis)	80.2	81.8
BCG (tuberculosis)	86.5	91.2
Hepatitis	77.7	79.3
Measles	72.9	76.8

The percentage of properly vaccinated children in 1993 was 78 per cent.

224. The figures for life expectancy for the years 1981 and 1992 are as follows:

	1981	1991
Women	70.8	71.8
Men	67.1	68.1

225. Since pregnant women fall within one of the groups at risk for whom health care is free, 100 per cent of pregnant women have access to trained personnel. The maternity mortality rate in 1991 and 1992 was 0.3 deaths, per 100,000 live births.

226. Access to health care is free for children up to 10 years of age, and for those in primary and secondary education.

227. The measures considered necessary to improve the health of vulnerable groups are determined by the government guidelines of health, which are as follows:

(a) Improvement of the coordination of the health subsystems;

(b) The preparation of legislation to outline and regulate those problems related to prevention, treatment and social integration of those who suffer from mental diseases;

(c) To introduce health insurance;

(d) To upgrade the functioning of health centres in order to ensure the effective access of the entire population, and to strengthen their role in the provision of health care and the prevention of disease.

228. Among the measures taken to improve the health of these groups have been the extension of the opening hours of health centres. There were also actions designed to draw people's attention to programmes for child health care, women's health, family planning, and adult health. As for health care at the hospital level, there were increases in the numbers of medical personnel, and the introduction of alterations in working methods. A haemodialysis care unit will be installed with the aim of increasing assistance to patients suffering from renal diseases. The assessment of all these measures will be made through the computerized health system which has already been installed. The consequence of these measures has been a lower death rate for notifiable diseases.

229. As maternity and infant health care are free of charge for all, the actions taken aim at reducing neo-natal and infant mortality. There has been an increase in efforts to attract pregnant women and children to primary health care as early as possible, as well as an increase in the rate of vaccination and the implementation of programmes of oral hygiene. At the level of hospital care, the number of beds in the Paediatric Unit was increased in 1993, and a Special Care Unit for the Newly Born was set up.

230. Measures taken to prevent, treat and control epidemic, endemic, occupational and other diseases are an increase in vaccination, in the water and sewage network, the monitoring of water quality and air pollution, and the introduction of regulations for safety at work are some of the measures undertaken by the Administration.

231. Measures taken by the Government to assure all medical service and medical attention in the event of sickness include Decree-Law No. 24/86/M, of 15 March, which ensures access to health care for the whole population of Macau.

232. Notwithstanding all the measures taken in 1993, there was an increase in the infant mortality rate in relation to the trend registered in recent years, reflecting an increase in the neo-natal mortality rate.

233. Concerning the elderly, medical care in all health units is free to those who are over 64 years of age.

234. Coordination with residents' and workers' associations and with private institutions of social solidarity has been undertaken to maximize community participation in primary health care.

235. Concerning health education, in April 1988, the Technical Unit for Health Education was created in the field of primary health care with the aim of providing information on health problems for the population. This information has been provided through direct contact with the population and through the media.

236. There has been cooperation with WHO in training and information programmes, awarding scholarships for medium and long internships in health institutions in the Asia-Pacific Region. These programmes are biennial.

237. The World Health Organization contributed the following amounts:

1990-1991	US$ 64 400
1992-1993	US$ 56 000
1994-1995	US$ 65 000

Articles 13 and 14

238. Before dealing with the specific items requested for this report, it is necessary to mention some of the basic characteristics of the Macau education system, to provide some background for the discussion of educational policy and the statistical data.

239. The Macau education system was defined by Law No. 11/91/M of 29 August and by the regulations following from that law. This law established the framework of the educational system which includes the great majority of both public and private educational institutions in the Territory.

240. The education system is considered as the combination of means through which the right to education is realized. It is expressed through the guarantee of continuing formative action, with the aim of the overall development of the individual's personality, social progress and the democratization of society.

241. The Macau education system is a combination of various structures, under the initiative and responsibility of several public and private instructions and organizations. An essential characteristic is the predominance of private educational institutions, a circumstance that is closely linked to the Territory's history. Thus, in the academic year 1992/93, out of 173 educational institutions, from pre-school level to secondary school level, only 17, that is 9.8 per cent, were public, and 156 (90.2 per cent) were private. In 1990/91, out of a total of 94, 16 were public, a figure which shows a trend towards private institutions. The major proprietors of private institutions are the Dioceses of Macau and associations such as the Chinese Association for Education.

242. A similar distribution can be seen amongst pupils. Out of 82,661 pupils, only 6,548 (8 per cent) attend official schools, and 76,113 (92 per cent) attend private schools. The figures for 1990/91 show respectively 4,887 (6.5 per cent) attending official schools, and 70,297 (93.5 per cent) attending private schools.

243. Another important characteristic that must be noted is the variety of teaching languages and the accompanying variety in the curriculum. Of the official institutions, excluding higher education, 4 schools use Portuguese as the medium of instruction and the remaining 13 use Cantonese. The schools using Portuguese follow curricula similar to those of Portugal. Schools using Cantonese, where Portuguese is always taught, follow curricula suited for Macau, based on the Hong Kong educational system with the progressive introduction of local features in the various years and subjects. Thus, in 1992/93, 8 private schools used the Portuguese language as the medium of instruction, 113 taught in Chinese, and 15 taught in English.

244. In private institutions there is a great variety of curricula based on models similar to those of the People's Republic of China, Portugal, Taiwan and Hong Kong.

245. The Council for Education, which is the consultative body of the Governor for educational affairs, has currently been progressively rationalizing the situation by approximating the names of the subjects, the study plans and the schedules and also the curricula, introducing in this way more local references into the curricula, particularly in the fields of history, geography, social science and civic education.

246. Articles 2 and 3 of Law No. 11/91/M state the main education and organizational principles. The fundamental principle of education in Macau states that all the residents of the Territory have the right to education, irrespective of race, creed or political or ideological opinion. Given the historical circumstances of Macau it does not make sense to speak of any legal discrimination based on sex as far as the right to education is concerned.

247. The Administration must promote the development of adequate means for an effective equality of opportunity in access to and success in education. Respect for the freedom of learning and teaching is guaranteed by the fact that the Administration does not reserve to itself the right to direct education according to particular philosophical, aesthetical, political, ideological or religious orientation. It protects the right to establish and maintain private institutions which are free to define their own educational projects.

248. As for organizational principles, it is important to note that the education system comprises pre-school education, primary school (six years), secondary school, and higher education, as well as special education, adult education and technical and vocational education.

249. All residents of the Territory have the right to a basic education, comprising a preparatory year for primary teaching, primary teaching and the general secondary teaching of three years, which is mainly free of charge. This means that pupils are exempted from all kinds of fees or expenses related

to enrolment, attendance or certification, and tuition allowances are paid to the students of private schools if these are not already subsidized. The provision of universal and free education is being introduced progressively. The first phase, which is currently being implemented, comprises the preparatory year for primary education. The second phase will cover general secondary education.

250. Educational support and supplements, assisting students at any level of education, are guaranteed, as well as any necessary educational support, treating students in basic schooling as a priority. Important measures of positive discrimination are thus being introduced.

251. The Administration ensures, directly or by means of subsidies, the existence of educational and vocational guidance services, pedagogical support, school health services and assistance to working students. With this aim of ensuring effective equality of opportunity, the Administration has developed action programmes for education, in particular by awarding scholarships for higher education, by providing tuition fee allowances for high-school education, food allowances, school insurance and subsidies to buy writing materials and books. The Schooling Social Action Service is considered as one of the most important means of ensuring that basic schooling becomes free of charge.

252. In the area of resources special importance is given to human resources, with the recognition that teachers and other school staff perform an activity that is in the public interest, and consequently enjoy the right to a status consistent with their professional and social responsibilities. Teachers have the right and the duty to training, including initial training in higher education, in-service training, and continuous training, provided jointly by the Department of Education and Youth and institutions of higher education. Teachers receive allowances from the Administration according to their academic and professional training, which reduce the differences in salary between teachers in official schools and in private schools. It should be noted that there also exists an Educational Resources Centre, provided with the most modern equipment, designed to give support to all teachers in the learning and use of modern teaching technology.

253. All educational institutions, whether they are public or private, are vested with pedagogical autonomy in the public interest as it is defined by the law of the education system. Private educational institutions can be either subsidized or non-subsidized. The former are those which receive regular and permanent subsidies from the Administration. Non-subsidized private educational institutions are divided into two groups: profit-making and non-profit-making institutions. The latter are those where no tuition fees are paid or where the income from these is used only to cover the expenses of the institution, including the expenses aiming at the improvement of the quality of teaching and schooling conditions.

254. The financing of the education system is the responsibility of both the Administration and the families. Under the law, education is considered as one of the fundamental priorities of the Territory's budget. In 1994, there were increases of about 25 per cent in the budget of the Department for

Education and Youth, 15 per cent for the Schooling Social Action Fund, 33 per cent for the University of Macau, and 59 per cent for the Polytechnic Institute. This demonstrates a decisive increase in financial expenditure for the area, with these sums not including the undertakings foreseen in the Plan for Investment and Development Expenditures of the Administration.

255. The Administration fulfils its financial responsibilities by maintaining a network of official institutions, subsidizing non-profit-making private institutions and giving allowances to students to pay tuition fees. Financial assistance to private educational institutions is permanent when it has in view the payment of the general expenses for the institutions, and is non-permanent when it is for the sharing of capital expenditure, the improvement of schooling conditions and teachers' training.

256. The administration of the education system is conceived in such a way as to safeguard the autonomy and freedom of educational institutions as well as respecting rules of democracy and participation. Its structures seek to ensure ties with the community and to guarantee adequate means of participation for teachers, pupils, parents' associations, and institutions representative of social, educational, cultural and economic activities.

257. The administration of the education system is comprised of different levels. There is the level of educational policy, which is established by the Governor and the competent Joint Secretary, assisted by the Council for Education in a consultative capacity. The level of implementation of education policy from preschool to secondary education is the responsibility of the Department for Education and Youth, which coordinates and participates in the development of higher education through the Office for the Support of Higher Education. The management of private educational institutions is the responsibility of the bodies that own them, although an inspectorate is to be established with a view to pedagogical, administrative and financial supervision. As we have already mentioned, the Governor has a consultative body which ensures the participation of the parties involved in the educational process in the stages of the setting and implementation of education policy. The Council of Education must be heard on all major issues relevant to the development of educational policy, including budgetary proposals. It has also played a key role in the framing of the law including important ordinances on the development of free education, curricular development, and on the status and careers of teachers.

258. It is worth noting that the education system includes special education, adult education and technical and vocational education, although the latter is mainly the responsibility of the Office for Labour and Employment Affairs. The teaching of the official languages (Portuguese and Chinese) at beginners and advanced levels is promoted by the Administration with the participation of private bodies, of which the Portuguese Institute of the Orient is the most important.

259. The organization and functioning of higher education in Macau is regulated by special legislation. Decree-Law No. 11/91/M of 4 February applies to the organization and functioning of private and public institutions which provide higher education in the Territory.

260. Higher education comprises the two separate areas: universities and polytechnics. University education is carried out by the University of Macau (UM) and the International Open University of Asia (Macau), which is a private institution. Higher polytechnic education is provided by the Polytechnic Institute of Macau (PIM). Each one of these institutions possesses its own statutes. It should be noted that in the field of further education, each of the institutions, and particularly the PIM, carry out various activities which do not lead to an academic degree, but which have the aim of training and advancing local professionals.

261. The Security Forces Institute, the School of Tourism and the Nursing School also act as establishments of higher education, involved in the training of local professionals.

262. The official languages of the Territory are taught in all the public institutions, within the scope of the implementation of a bilingual system. In exceptional cases teaching can also be carried out in English. The Administration actively promotes bilingualism, which stems from the fact that the Basic Law guarantees both Portuguese and Chinese as the official languages in the Territory after 1999. Private educational institutions are free to decide - as part of their pedagogic autonomy - which teaching language to adopt. Bearing in mind what has been said, they are also free to choose a second compulsory language, to be included in their curricula. The public educational institutions can only choose between Portuguese or Chinese as teaching languages. The Portuguese public schools adopt Chinese as a second language to be included in their curricula while the Chinese public schools adopt Portuguese as a second language, to be included in their curricula.

263. It is important to note that once China resumes the exercise of sovereignty over Macau, on 20 December 1999, the Special Administrative Region of Macau will be ruled by the Basic Law. In terms of the constitutional principle "one country, two systems" of China, this contains norms intended to safeguard current cultural, educational and linguistic characteristics. The main policies to be pursued by the Administration are based on the Sino-Portuguese Joint Declaration, signed by the Governments of the two countries in 1987. Thus, article 2 of the Basic Law protects a high degree of autonomy for the executive and legislative powers of the future Special Administrative Region of Macau. Article 4 ensures the rights and freedoms of the residents and other individuals in the region. In relation to the high degree of autonomy of the region, article 121 states that the Government is responsible for the definition of its own education policies, including those on the education system, its administration, the teaching languages, the allocation of funds, the assessment system, the recognition of academic qualifications and academic degrees.

264. The Special Administrative Region of Macau is to promote compulsory schooling, and social institutions and private individuals may promote other initiatives in the area of education under the terms of the law. According to article 122, institutions already established in Macau may continue to function, enjoying autonomy in administrative matters and teaching and academic freedom under the law. The right to choose a school is also legally

guaranteed. Article 128 of the Basic Law expressly states that schools run by religious bodies may continue to provide religious education, including courses on religion.

Secondary education

265. The first three years of secondary education are included within the basic and universal education, which is provided free of charge in public teaching institutions. Pupils attending private secondary schools are entitled to receive subsidies for the payment of tuition fees and the purchase of teaching materials, according to the criteria of support for compulsory education and cases of financial hardship. For additional secondary education tuition fees must be paid in both private and public institutions.

Higher education

266. Higher education was re-established in Macau in 1981, on a private initiative supported by the Government of the Territory. The University of East Asia was thus created, supplying both university and polytechnic teaching. In 1988 the Macau Foundation, a body created by the Government with special responsibility for organizing and promoting higher education, acquired the University of East Asia and restructured it under its direction. In this way conditions were created in which the University of Macau could organize its activities in accordance with the needs of the Territory and oriented towards the needs of students from Macau.

267. In 1991, for the regulation of higher education in Macau, Decree-Laws 49/91/M and 50/91/M of 16 September were published. These established the Polytechnic Institute of Macau for the provision of polytechnic education, and the University of Macau to provide university education. In 1992, Decree-Law No. 178/92/M of 28 September authorized the creation of the International Open University of Asia (Macau), a private institution of higher education primarily employing distance learning techniques. In 1993 the Tourism School was established (Decree-Law No. 48/93/M of 1 September) to provide higher and intermediate training, with strong ties to the world of employment. This school is part of the Office of Tourism and provides courses in hotel management and tourism, which were previously run by the Polytechnic Institute of Macau. Decree-Law No. 57/88/M of 4 July established the Security Forces Institute under the control of the Directorate of the Macau Security Forces, with the principle objective of training senior officers and firemen. This school provides graduate and post-graduate degrees in leadership and management.

268. In the academic year 1993/94 the University of Macau offered 27 undergraduate courses (Licenciaturas) and 4 Masters courses to a total of 2,645 students in the following Faculties: Business Administration, Humanities and Social Sciences, Education Science, Science and Technology, Law, the Institute of Portuguese Studies, and the Centre for Pre-University Studies. Within the areas of Law and Education courses are also offered that confer a diploma or certificate.

269. Table 2 of the Statistical Annex shows the change in the number of students in both public and private institutions since the introduction of higher education in the Territory. The number of students attending the University of Macau remained stable between 1990 and 1993. However, it doubled in the academic year 1993/94. This increase corresponds to a greater number of enrolments in the undergraduate degree courses, since the number of students enrolled in the Pre-university Studies has remained virtually unaltered (306, 328 and 330 in 1991/92, 1992/93 and 1993/94 respectively.) The area with the greatest number of students at both graduate and post-graduate levels is that of business studies, in the Faculty of Business Administration.

270. The majority of the students attending the University - 89 per cent of the students in 1991/92, and 92 per cent in 1993/94 - are from Macau (table 4).

271. Table 5 shows the number of graduates of the University of Macau. According to data provided by the Statistics and Census Department of Macau, 32/ for the year 1991, the number of holders of academic degrees in the general population does not exceed 10,000 (2.9 per cent).

272. In the Polytechnic Institute there are five Bachelors courses and three other courses which lead to a diploma, 33/ distributed between five schools: Languages and Translation, Commerce and Tourism, Administration and Applied Sciences, Physical Education and Sports, and Visual Arts. There was a total of 756 students in the academic year 1992/93 and in 1993/94 the total number of students is 643.

273. The Security Forces Institute offers three degree courses: in Police and Public Safety, in Maritime Customs and Excise, and for Firemen and Sappers. The majority of students at the Security Forces Institute are from Macau (69.4 per cent), followed by those from China (23.5 per cent); 17.6 per cent of the students are women.

274. The yearly tuition fees for the University of Macau for the academic year 1992/93 were as follows (in MOP): MBA 60,000; Licenciatura 42,500; diplomas between 13,650 and 27,300; Pre-university Studies Centre 26,700. Macau residents are entitled to a reduction of 40 per cent, subsidized by the Government. In special cases, students in the Faculty of Educational Sciences are exempted from tuition fees. The annual tuition fees in the Polytechnic Institute of Macau in 1993/94 were MOP 34,700 for Bachelors courses (equivalent to a higher diploma under the English system) and MOP 27,300 for courses which confer a diploma. Macau residents are entitled to a reduction of between 40.7 and 85 per cent depending on the course. Students of the School of Visual Arts who are not residents of Macau are entitled to a reduction of 50 per cent.

275. In 1993, the budget of the Territory provided a total of MOP 83,256,800 for the UM and PIM, of which MOP 69,547,300 was allocated to the University of Macau. As already stated, in the academic year 1994/95 the budget for UM will be increased by 33 per cent, and that of PIM by 59 per cent.

276. There is a third type of financial support given by the Government in the form of the award of various types of scholarships for higher education in Macau or outside the Territory. The figures contained in tables 6 to 10 of the Statistical Annex show the number of scholarships by academic year, the major areas of study, and the different types of scholarships.

277. The International Open University of Asia (Macau) operates a scheme of distance learning, in areas similar to those offered by public higher education. It confers degrees and diplomas of different levels to students whose medium of instruction is either Portuguese, Chinese or English, adopting the relevant Portuguese, Chinese or English curriculum. The majority of students at undergraduate and post-graduate levels are taught in English (65.3 and 68.7 per cent respectively), followed by Chinese (34.7 and 30.9 per cent) and, in 1992/93, by Portuguese (0.4 per cent).

278. One of the features of higher education in Macau is that both students and teaching staff are from different countries and regions with their own cultural and linguistic characteristics. Though the majority of students were born in Macau and speak Chinese, the teaching staff is made up of many different nationalities. Only at the Security Forces Institute is the teaching staff made up of only Portuguese (84.8 per cent) and Chinese (15.2 per cent). At the UM, Portuguese and Chinese teaching staff are 54.7 per cent of the total and at PIM they are 72.4 per cent. The next largest group are the English staff with 22.6 per cent at the UM, and 20 per cent at the PIM. At the International Open University of Asia (Macau) in 1992/93, the majority of the teaching staff was English; 14.2 per cent were Chinese and 8.7 per cent Portuguese. Table 11 of the Statistical Annex contains information on academic staff by academic qualifications and nationalities.

Basic education

279. The Administration is directly involved in adult education, but its major contribution has been in the form of organizational and financial support of initiatives from civil society. Article 14 of the education law sets out the objectives of adult education as the elimination of both actual and de facto illiteracy, the provision of educational opportunities to those who did not attend or did not conclude the normal system of education, and the promotion of civic education and cultural activities. However, these aims are so broad as to make it difficult to produce any statistics.

280. The figures for vocational training, carried out by the Department for Education and Youth are set out in the table below:

1990/91	1,189 trainees
1991/92	1,573 trainees
1992/93	193 trainees

The reduction in the number of trainees in 1992/93 was due to the transfer of the training activities to the Office for Labour and Employment Affairs.

281. Broadly considered, the only available figures on adult education are for the academic year 1991/92. During that year adult education was offered by 98 establishments with 731 courses (of which 296 were offered by the Administration). According to the Anuário Estatístico (Annual Statistical Review), 34,168 students were enrolled in these courses, of whom 13,788 were men and 20,380 women. During the same period, there were 731 teaching staff, of whom 60 per cent were male.

282. The calculation of illiteracy rates, both actual and de facto, causes difficulties which are not easily overcome. This is not only because of the concepts themselves, but also due to the scarcity and imprecision of the quantitative data that has been collected. The latest statistical data available (annexed to this report) are taken from the Census of 1991 (Censos/91). If the distribution of the population according to their level of formal education is analysed, by looking at the relation between the number of residents who have no formal education whatsoever or who have not completed primary education and the total of residents of three or more years of age, it could be inferred that the majority of the residents that have not completed six years of schooling are virtually illiterate.

283. Taking the figures from table 4.4 of Censos/91, 127,863 individuals, or about 37 per cent of the population, would have to be regarded as being in this situation. This figure is obviously far from accurate; the figures are not broken down by age group and level of education, dealing only with a group of residents three or more years of age. In table 4.3, by contrast, in which the figures are broken down by age group and school attendance, it is clear that 97 per cent of the residents between 5 and 14 years of age attend school, with a marked equilibrium between the sexes.

284. Further, we can refer to the work of Mariette Bolina, Estatuto Educacional da Mulher em Macau (The Educational Status of Women in Macau), which was prepared for the Workshop on Strengthening Information Base on Women for Integration in Macau Socio-Economic Development, 1993, and closely follow some of her conclusions on levels of literacy in Macau. She states that:

> "Macau has a high rate of schooling of particularly, as we have already mentioned, in that section of the population which is between 5 and 14 years of age. But if we exclude those between 6 and 11 years of age, the overall rate of those who did not attend school rises to 10 per cent for females and 9 per cent for males. This data which seems to confirm the common belief that illiteracy is practically non-existent in Macau, does not explain the extent of literacy of the present adult population, especially when one considers the significant weight of the present adult population. It confirms that there is no statistical data on illiteracy in Macau. The levels of literacy and numeracy of the adult population in general, and of women in particular, are still unknown".

However, it is worth pointing out that there is published data on the rates of schooling. The rate of primary education is slightly over 100 per cent and, for secondary education, the rates of schooling in the academic years 1991/92 and 1992/93, were 95.6 per cent and 96.6 per cent respectively.

285. We are dealing with two important problems. The first is the lack of statistical data on important phenomena, although this situation is clearly improving. The second is connected with the great mobility of the population of Macau and the impact of this on all the social issues that have been analysed, not to mention the consequences for social infrastructure and security.

Expenditure on education

286. In 1992, a sum of MOP 458 million, around 6.8 per cent of the total budget, was allocated to education. In 1993 it exceeded MOP 514 million, 6.5 per cent of the budget, though in real terms this was an increase of 8 per cent in relation to the previous year. In 1994, there has been an increase of around 25 per cent in the figure allocated, which now represents 11 per cent of the total budget.

287. It is extremely difficult to break down the data in the Plan for Investment and Development Expenditures of the Administration (PIDEA) in order to estimate the total amount invested in education. According to the functional classification of PIDEA, in 1991 education represented about 3 per cent of the total investment, falling to 2.1 per cent in 1992 and 1.4 per cent in 1993, due to the comparatively stable situation of the network of public schools. In 1989, 1.2 per cent of the GDP was spent on education. In 1992 the amount accounted for rose to MOP 524 million, a figure which, however, would seem to be an underestimate of the actual situation, since the calculation of public expenditure by sectors has not yet been completed for this year (see note 31).

288. The Department for Education and Youth assesses the need for new teaching establishments or their reorganization, although requests may also be brought forward by the management of private institutions. The construction of public establishments is carried out by the Office for Land, Public Works and Transportation. The construction of private establishments is highly subsidized by the Administration, which sometimes covers the total costs. The Administration approves or proposes projects according to the norms for each type of establishment. Besides subsidizing the construction of and works on private establishments, the Administration frequently provides plots of land for building on very favourable conditions.

289. To give an idea of the importance of the subsidies for work in the private educational sector, it can be pointed out that in 1993 the Government budgeted the amount of MOP 15 million for work on private schools, in addition to the MOP 130 million provided for their running expenses (out of a total expenditure for the Department for Education and Youth of MOP 364 million).

290. Since there are no rural areas in Macau, there are no difficulties concerning the distribution of schools. These are located preferentially next to the most densely populated and socially disadvantaged areas of the city. On the islands of Taipa and Coloane they are located in the towns and served by special school transport. In the new areas created by land reclamation there has sometimes been some delay in the construction of schools following the settlement of the new population.

Access to education

291. The steps taken by the Administration to reduce discrimination within the educational system have been mainly in the areas of aspects of economic discrimination and the prevention of academic failure. These have taken the form of support and supplementary educational assistance, consisting mainly of educational compensation, educational psychology and social assistance in education, not to mention many other activities in the field of school health and support for working students.

292. Educational compensation takes the form of additional classes and of supervised study rooms; however, there is little statistical data available on this, except on the use of study rooms. This shows a sharp increase in the attendance at study rooms between 1991 and 1992. Attendance at these rooms, which are mainly located in socially disadvantaged areas, rose from 15,109 to 33,090, an increase of over 100 per cent.

293. In the field of educational psychology there has also been a significant growth in the help provided, although total coverage is not yet possible. During the academic years 1990/91 and 1991/92, 3,471 and 5,154 students respectively, were given assistance of this type, also with the involvement of teachers, parents or tutors.

294. Social assistance in education is designed to implement measures of positive discrimination in favour of students with economic difficulties at different levels of education, with the aim of contributing to equality of opportunity in access to school and academic success. Various actions have been taken, principally in the form of allowances for tuition fees for non-higher education, for meals, for school insurance, for the purchase of materials and scholarships for higher education. In addition to the data contained in the appendix, it is worth pointing out certain features of some of the allowances for tuition fees and for the purchase of materials and provision of study rooms.

295. The following are the figures for the allowances for tuition fees:

1990/91	4,023 students
1991/92	10,547 students
1992/93	12,043 students

From this table, we can note that between 1990/91 and 1992/93 there was a growth of around 300 per cent. During the same period, the majority of allowances were to pupils in primary education within the scope of developing free and universal basic education (45.9 per cent in 1990/91 and 58.2 per cent in 1992/93). The amount spent during the academic years 1991/92 and 1992/93 has not changed.

296. During the academic years 1991/92 and 1992/93, 8,019 and 8,892 students, respectively, received allowances for the purchase of materials. In the same academic years the total sums spent were MOP 5,212,560 and MOP 5,565,000.

297. There are no particular differences between men and women concerning attendance at school. The distribution of the student population by sex during the academic year 1990/91 is contained in table 12 in the Statistical Appendix. The only imbalance of some concern during this year was in higher education. However, this situation has been improving during recent academic years.

298. Among teaching personnel, there is a marked preponderance of female staff. In the academic year 1990/91, out of a total of 3,204 teachers, 1,024 were male (31.9 per cent) and 2,180 female (68.1 per cent).

299. On the question of access to education by vulnerable groups, it is worth mentioning special education for children with learning difficulties. Special education is one of the areas to which the Administration is most heavily committed. It is entirely free, doing away with enrolment and tuition fees, even in private schools which are almost wholly financed by the Administration.

300. In the academic year 1991/92, there were 144 pupils in official establishments, of whom 15 were integrated into normal classes, 102 in special classes and 27 in the educational and occupational unit of Coloane (U-2). There were 139 pupils attending private establishments which made a total of 283. The U-2 unit, which opened in 1991, deals with older pupils who are taught preoccupational subjects preparing these young people to lead, as far as possible, an autonomous existence.

301. In 1992/93 there were 367 pupils attending official establishments, of whom 45 were integrated into normal classes, 126 in special classes, 27 at U-2 and 170 supported by the "Lar S. Luís Gonzaga". There were 180 pupils attending private establishments, making a total of 547.

Languages of instruction

302. The linguistic policy pursued by the Administration has been the fostering of a bilingual population. This topic has already been covered in the introductory section. As for the diffusion of the Portuguese and Chinese languages and cultures, in 1990/91 there were 8,840, in 1992/93 10,283 and 1993/94 11,843 students of Portuguese language and culture (these figures are broken down in the annexes). For Chinese language and culture in the same academic years, and including the 31 participants in the CLAC programme (course of Chinese language and Administration) and the trainees at the Public Administration Office, there were 1,008,937 and 637 students respectively. The figures for courses run by PIM are not included, since figures for the year 1992/93 are not yet available.

303. Within the scope of diffusion of the Portuguese language as an extracurricular subject, there were 2,031 students in 1990/91 and 3,425 in 1992/93. As a curricular subject for the same period, there were 6,609 and 8,418 students respectively.

304. As for the diffusion of Chinese language, as a curricular subject there were 282 students (in secondary schools only) in 1990/91, and 1992/93 a total of 274 students, of whom 55 were in primary schools and 219 in secondary schools.

Teaching staff

305. The teaching staff of official establishments are either civil servants or agents of Public Administration, or have salaries equivalent to those in public administration. The special provisions on salaries of teaching staff in official establishments are published in the annexes to the decree-law on the careers and salaries of civil servants and agents of the Public Administration, Decree-Law No. 86/87/M, of 21 December, and the particular details are set out in Decree-Law No. 21/87/M, of 27 April. At present the index 100 of the public administration corresponds to MOP 3,800.

306. The career of a primary or secondary teacher is equivalent to that of a senior officer, progressing through different stages with respect to the number of years of service and performance appreciation, since teachers have academic qualifications of higher level. The salaries in 1992/93 varied from MOP 16,340 (index 430) to MOP 24,000 (index 650).

307. Teachers without higher academic qualifications, as well as infant school teachers, have a career closer to that of an officer of Public Administration, though slightly lower in its last phases.

308. In the private sector, for the academic year 1992/93, salaries were about MOP 6,730 or 7,930 for secondary schools and MOP 6,150 or 7,450 for infant and primary school teachers. The second figure for each of these categories corresponds to the increase made by the subsidy granted by the Administration, with respect to the years of service and professional qualifications. The figures given are median salaries.

Changes in educational policy

309. Recently there have been many changes in education policy contained in ordinances which have already been published or are being drafted. Thus, article 53 of the Education Law No. 11/91/M, of 29 August, which has already been mentioned, includes the necessary regulating provisions for the reorganization of almost all of the main elements in the education system, allowing a major development of the system by, amongst other things, defining the scope of private education and of mainly free schooling, teaching staffs' careers and inspectors of education. This reorganization will produce a greater harmony between various parts of the system, improve the funding in accordance with the social importance of the system, and direct the activities of the Administration towards fundamental aspects of the system. This will enable assistance to be given to private institutions in ways more consistent with the needs of the Territory, taking the form of a contractual relationship in which the rights and duties of the parties will be clearly stated.

310. The statute on private education has already been published, while the other ordinances referred to in article 53 are in the final stage of drafting, having already been submitted to the Council for Education.

Compulsory and free primary education

311. As has already been mentioned, the Education Law states in article 6 that a basic education (preparatory year for primary school, primary school and general secondary school) is a right to which all are entitled and is to be free of charge. The Law states that free education is guaranteed in public schools and in subsidized private schools. The same Law defines free education as exemption from tuition fees or any other charges related to enrolment in public schools and the provision of allowances for fees at any non-subsidized private schools. The implementation of universal free education will be carried out in stages.

312. Bearing this in mind, the main problems arise from the concept of free education in a network which is predominantly composed of private schools. Since it is possible to guarantee free public education, the Administration has endeavoured to help pupils in private schools, and in particular those who are undergoing basic education. Support to pupils in private schools basically takes the form of subsidies for tuition fees but may also include other subsidies, for instance for the purchase of teaching materials. Nevertheless, it is not yet possible to cover the total costs of tuition fees, nor does such a measure seem advisable, since clearly defined procedures for the system of subsidized private education have not yet been implemented.

313. The Council for Education is presently debating the question of how to approximate the syllabi in private schools and the unification of the designation of the curricular subjects.

314. The efforts of the Administration for the next year are in the area of making pre-primary education free of charge.

315. On the other hand, in terms of subsidies, stronger links are developing between the Administration and those private schools willing to adhere to a proposal of curricular development.

316. In order to clarify a little more, it can be said that the expression "mainly free education" has three fundamental aspects: general support for education (for example subsidies for building works, to educational establishments, and direct payments to teaching staff); assistance to students in the form of scholarships; and the third aspect is personal, individual help to economically disadvantaged students, in the form of allowances for tuition fees, the purchase of school materials and school uniforms, extending beyond the coverage of tuition and enrolment expenses for students whose families have a very low income. Thus, we can say that education in public schools is free and it is progressively becoming so in non-profit-making private schools. The data concerning the principal forms of support is presented in table 13 of the Statistical Appendix.

Article 15

317. There is no specific legal framework for the general protection of cultural rights in Macau, in the sense of legal provisions to make effective the right of all citizens to participate in cultural life and manifest their own culture. In Macau, the right to enjoy and participate in cultural life is fundamentally defined by the cultural rights enshrined in the Constitution of the Republic of Portugal (arts. 73 and 78).

318. Although it is within the competence of the Macau Legislative Assembly (art.31 (1) (b) of the Organic Statute) to deal with issues pertaining to rights, freedoms and guarantees, any restrictions imposed on those rights, freedoms and guarantees are subject to the provisions of article 18 of the Constitution of the Republic of Portugal.

319. Article 4 of the Basic Law of the future Macau Special Administrative Region of the Peoples Republic of China, which will come into force on 20 December 1999, guarantees the rights and freedoms of the residents and other persons in Macau, with the aim of safeguarding the existing cultural situation. Article 125 of the Basic Law states that the government shall define its own cultural policy, including policies connected with literature, art, radio, cinema and television, amongst others. It also states that the legitimate rights and interests of authors producing literature, works of art and other artistic activities are to be protected.

320. From the analysis of public expenditure (table 14 of the Statistical Appendix) we can conclude that in 1992 the amount spent for cultural purposes was MOP 215 million or 2.5 per cent of the total expenditure. The Cultural Institute of Macau, which is the main body in this area, was allocated the sum of MOP 100 million by the government (through the General Budget of the Territory) in 1993. This sum is not only for the financing of activities in the public sector through the Cultural Institute of Macau, but is also for the support and promotion of cultural events organized by private initiative.

321. Tables 8 and 9 give a breakdown of these figures.

Table 8

CIM INTERNAL BUDGET

Years	Budget (MOP)	Growth rate
1989	$40 000 000.00	
1990	$65 943 000.00	37.4
1991	$97 268 000.00	47.5
1992	$81 800 000.00	-15.9
1993	$96 592 000.00	18.1

Source: Cultural Institute of Macau.

Table 9

ALLOCATION OF RESOURCES FOR THE FISCAL YEAR OF 1993

Description	Budgeted expenditure (MOP)	Actual expenditure (MOP)	Coverage rate % (II/I)
Subsidy for the support of Cultural Activities	3 070 000.00	3 066 250.00	99.9
International Music Festival of Macau	6 700 000.00	6 700 000.00	100.0
Macau Art Festival	2 607 000.00	2 600 250.00	99.7
Publicity and Advertising	149 000.00	143 967.70	96.6
Chamber Orchestra of Macau	1 444 300.00	1 441 569.60	99.8
Chinese Orchestra of Macau	929 000.00	928,717.80	100.0
Exhibitions	799 300.00	500 632.70	73.9
Cultural attachés to the Portuguese Embassies in the Indo-Pacific region	3 000 000.00	2 638 485.30	88.0
Congresses, Conferences and Seminars	2 500.00	2 345.00	93.8
Research (subsidies to private individuals)	586 000.00	533 624.80	91.1
Theatre, Dance and Cinema	22 500.00	6 215.00	27.6
Academy of Music	1 630 000.00	805 876.60	49.4
Dance Conservatory	85 000.00	155 479.20	183.0
Restoration of Buildings	1 056 205.50	1 054 739.10	99.9
TOTAL	22 080 805.50	20 668 152.80	93.6

Source: CIM (as of 8 June 1994).

322. The Government of Macau establishes the general outlines of cultural policy, safeguarding the principles and respect for rights, freedoms and guarantees contained in the Constitution of the Portuguese Republic. The Cultural Institute of Macau (CIM) is the body responsible for implementing the

policy objectives in the area of culture. The CIM was set up by Decree Law No. 43/82/M, of 4 September. Its main purpose is to support the formulation and implementation of cultural policy and scientific research in the Territory, by promoting displays linked to the Sino-Portuguese cultural experience and the promotion of Portuguese language and culture.

323. With the beginning of the transition period marked by the Sino-Portuguese Joint Declaration, the CIM was restructured by Decree-Law No. 63/89/M of 25 September. However, it continues to carry out the threefold function of assisting the government in the formulation of cultural policy, ensuring the teaching of the arts, and as the body responsible for the promotion of cultural events.

324. The present Organic Law of the CIM dates back to 1989, with some minor revisions and alterations. It has the following responsibilities:

(a) To contribute to the enhancement of the cultural level of the Macau population;

(b) To stimulate the creation and support the operation of institutions which have among their objectives, the defense and promotion of cultural values;

(c) To promote, encourage and support cultural and artistic activities connected with the Sino-Portuguese cultural experience;

(d) To support the creation and diffusion of individual and collective artistic and cultural works;

(e) To promote the diffusion of books and reading;

(f) To defend, preserve and revitalize the historical and cultural heritage of the Territory and to formulate guidelines for its survival and enjoyment;

(g) To promote or support education and training in various arts, and to assist artists in the advancement of their skills and professional careers;

(h) To promote research in those areas of interest for the knowledge and preservation of Macau's cultural heritage;

(i) To contribute to the protection of integrity, truth and authorship of all works of the human spirit and all cultural creations, irrespective of the form or expression they take;

(j) To support the Administration in the coordination of cultural activities carried out by other public bodies of the Territory and to cooperate with them;

(k) To establish and strengthen, within cultural policy, cooperation with international organizations and the counterpart institutions of other countries;

325. Amongst the activities currently pursued by the CIM are the following:

(a) Technical and financial support for the cultural associations and artists of Macau;

(b) The promotion of conferences, seminars, debates and other meetings of cultural nature;

(c) The sponsorship and promotion of the production of literary and artistic works, particularly through the publication of books and magazines, and through film, radio and television;

(d) The organization and running of the teaching of various arts;

(e) Support for non-profit making educational establishments in the arts;

(f) The award of scholarships and other forms of support for the training and improvement of artists;

(g) The promotion of artistic and cultural displays, in particular those connected with the Sino-Portuguese experience, and the stimulation and support of the popular cultural displays;

(h) Assessment of the plans, programmes and budgets of cultural institutions which request financial, technical or logistical support;

(i) The submission for approval of the classification and registration of cultural assets, as well as implementing and managing measures for their protection;

(j) Carrying out programmes of cultural exchange, particularly between artists from Macau, Portugal and China;

(k) Signing agreements, protocols and other sorts of instruments of cooperation for the promotion of activities with international organizations, institutions or bodies in the territory, from Portugal, from China or other foreign countries;

(l) The organization and maintenance of libraries and archives, for the diffusion of reading and the support of research by museum centres;

(m) Publishing a cultural review, as well as the "Bulletin of the Cultural Institute of Macau";

(n) Issuing licenses for the production of films, including advertising films;

(o) Taking or proposing the necessary precautionary measures whenever there are activities that endanger the cultural heritage.

326. The CIM also maintains the following institutions as dependent services: the Biblioteca Central (Central Library); the Arquivo Histórico (Historical

Archives) and the Conservatório (Conservatory). The Central Library is made up of one branch of General Holdings and Books and Documents on Macau (located in the Leal Senado Library), and a second branch of Chinese Libraries (Sir Robert Ho Tung Library, Mong Há Library, a mobile library, the Taipa Island Library and the Island of Coloane Library). The Conservatory promotes artistic and vocational training through beginners intermediate and advanced courses in music, dance and theatre.

327. During 1993 (Decree-Law 45/93/M, of 15 August), the Academy of Visual Arts ceased to be a dependent service of the CIM. However, it will continue to promote beginners and more advanced courses in painting, drawing engraving, serigraphy, sculpture, ceramics, photography, video and history of art.

328. The Leal Senado (the City Council) also plays an important role in the cultural life of Macau, not only by the direct promotion of cultural activities, but also through the provision of resources and, in particular, through the organization of exhibitions. To illustrate the activities of Leal Senado, the following tables show the number of exhibitions and visitors (1988-1992).

Table 10

EXHIBITIONS AT THE TEMPORARY DISPLAYS GALLERY

	Number of exhibitions	Number of visitors
1988	14	82 225
1989	12	46 497
1990	12	66 053
1991	10	74 608
1992	15	92 196

Source: Leal Senado Activities Report, 1992.

Table 11

EXHIBITIONS AT THE LOU LIM IOC PAVILLION

	Number of exhibitions	Number of visitors
1988	2	33 035
1989	4	94 238
1990	3	60 461
1991	4	41 704
1992	4	67 175

Source: Leal Senado Activities Report, 1992.

329. The Câmara Municipal das Ilhas (CMI) (the Islands Council also carries out various activities, staging or contributing to popular festivals, exhibitions, contests and publications. It also gives financial support to some of the activities of private associations which have aims and objectives in the areas of culture, education and social services. This is significant given the importance of cultural associations and institutions in this context.

330. The final element in the institutional infrastructure is the Portuguese Institute of the Orient (PIO). The principal objective of this body is to preserve and disseminate the Portuguese language and culture in the Orient, taking Macau as its central coordinating point. When it was first set up as a private institution, the underlying strategic idea was that of establishing a structure suitable for the transition period and able to overcome the changes foreseeable as a result of China resuming sovereignty. The PIO was intended to be an autonomous institution, in the Indian and Pacific regions, having Macau as the centre of its activities, which would continue beyond 1999.

331. On this basis PIO is considered as: a body which supports the teaching and dissemination of Portuguese language and culture; a space for research into the Portuguese presence in the Orient; a privileged space for cultural exchange and cooperation amongst the peoples of the Orient with historical ties with Portugal; a space open to the surrounding environment, assisting the exchange of ideas, experiences and cultural achievements.

332. In the area of the promotion of the Portuguese language, it is worth mentioning the following activities: the Portuguese Language Centre, which runs courses open to all the inhabitants of Macau and the occupational Portuguese language courses, designed for specific occupational areas, specifically in the areas of health and the mass media.

333. The Administration is involved in the provision of adequate juridical and institutional structures to meet present needs and future developments in the area of culture. Efforts have been made to strengthen the identity of the population of Macau, promoting respect for the collective memory and experience of the Sino-Portuguese, and encouraging the affirmation and assertion of their respective cultural values.

334. The CIM has been carrying out studies and cultural and artistic displays focusing on the encounter and intercultural experience of the two cultures. It has organized programmes of cultural exchange and signed protocols and other sorts of agreements for cooperation with international organizations and institutions from Portugal and China. Various initiatives have been realized, among which are seasons of films, exhibitions of painting and engraving, as well as other forms of artistic expression.

335. The CIM has taken the following measures to promote the enjoyment and enhancement of the cultural heritage:

(a) Cultural activities:

(i) Stimulating and supporting the creation of bodies and associations that will be engaged in cultural activities;

(ii) Supporting the activities of artists of the Territory, both in Macau and abroad, by supporting cultural tours to other countries and territories;

(b) Music:

(i) Sponsoring the activities and development of the Chamber Orchestra and the Chinese Orchestra;

(ii) Organizing concerts and recitals, assisting local musicians and promoting international musicians;

(c) Exhibitions:

(i) Organizing temporary exhibitions, promoting local artists and undertaking initiatives of an international character in the field of the plastic arts;

(ii) Organizing exhibitions with the aim of disseminating the cultural heritage of the Territory.

336. We can also note the Macau Annual Arts Festival in which all the local cultural associations participate (opera, theatre, music, dance, etc.).

337. The press, radio and television are the main means through which Portuguese and Chinese culture are promoted. According to data supplied by the Office for the Mass Media, the following newspapers are published in Macau:

(a) In Portuguese: 5 daily newspapers (with a daily circulation of between 700 and 2,000 copies) 34/ and 5 weekly newspapers (with a circulation of between 1,500 and 3,000 copies);

(b) In Chinese: 7 daily newspapers (with a total average daily circulation of 147,500 copies) and 15 weekly newspapers (with a total average weekly circulation of 31,100 copies).

338. Radio and TV also broadcast in Portuguese and Cantonese. There are two radio channels and two TV channels which are run by TDM (Teledifusao de Macau). The Territory owns 50.22 per cent of the stock of TDM.

339. The Administration sponsors and promotes the production and circulation of literary and artistic works, through the publishing of books and reviews, films, radio and television.

340. The CIM has carried out the following activities and initiatives:

(a) Publishing or co-publishing in collaboration with other public and private bodies or institutions, works which contribute to a greater understanding of the culture of the community, by means of information and education;

(b) Promoting and supporting the publishing of works by Macanese authors and those of others dealing with themes connected to Macau;

(c) Making known those works that are essential to the understanding of both cultures, by translating Portuguese writers into Chinese and Chinese into Portuguese;

(d) Promoting the reissue of works of cultural significance in Portuguese, Chinese and English, so that they may become a resource for education and reference;

(e) To promote and publicize publications of the CIM.

341. The existence of the Review of Culture, a quarterly magazine edited in Portuguese, Chinese and English, should also be noted.

342. Due to its history and geographical location, Macau is an open and a cosmopolitan environment where cultures meet. In this sense it is also an international space where mankind's cultural heritage is protected. To illustrate this the following activities took place in 1993:

An international symposium on the theme "Encounter of Peoples and Cultures: Macau and Ethnic Diversity in South-East Asia";

A travelling seminar on the theme "Les malentendus dans la recherche de l'universel" - Fundaçao transcultura;

The Macau International Music Festival.

343. The Administration of Macau preserves, with a special emphasis on Macau, the cultural heritage which it shares with the other Portuguese-speaking nations (Brazil and certain African countries), as well as other Portuguese communities all over the world.

344. Article 2 of the Organic Statute of Macau states that the principles, freedoms and guarantees enshrined in the Constitution of the Portuguese Republic are part of the legal order of the territory. In Macau, under

articles 42 and 37 of the Constitution of the Portuguese Republic all the citizens have the right to freedom of creative activity as well as freedom of expression and information. Article 42 states:

"1. Intellectual, artistic and scientific creativity is free.

"2. This freedom includes the right to the invention, production and dissemination of scientific, literary and artistic works, including the legal protection of copyright."

Article 37 states:

"1. Everyone shall have the right to express and make known his or her thoughts freely by words, images or any other means, and also the right to inform, obtain information and be informed without hindrance or discrimination.

"2. The exercise of these rights shall not be prevented or restricted by any type or form of censorship.

"3. Offences committed in the exercise of these rights shall be punishable under the general principles of criminal law, the courts of law having jurisdiction to try them.

"4. The right of reply and rectification and the right to compensation for losses suffered shall be equally and effectively secured to all natural and artificial persons."

There is therefore no limit to freedom of cultural creativity or freedom of expression and information.

345. The Administration has promoted research into records, registers, making inventories, classification, restoration, conservation, protection and safeguarding of the assets which make up the Territory's cultural heritage, due to their archaeological, historical, artistic, ethnological, urban or landscape value. The CIM has also promoted research into and the collection of cultural information on Macau, such as practices, customs, traditions and festivals, studying and disseminating the collected information. As examples of this there is work in course to establish a museum of the so-called "Ruínas de S. Paulo" (the facade of the ruins of the Mater Deit Church, which is a classified monument) and also the following publications: O Traje da Mulher Macaense - Da Saraça ao Dó das Nhonhonha de Macau (A work on the historical costumes of Macanese women) - 1989; Três Jogos Populares de Macau (Three Popular Games of Macau) - 1984; and P'ei P'chai (Review of Culture, 1991).

346. The coordination of scientific and technological investigation in Macau is not supervised by a single entity. Responsibilities for scientific investigation are dispersed among various governmental departments, and are

carried out by services whose functions are primarily of a practical nature. Thus, there are various governmental departments in the Territory with competences in the area of the scientific and technological investigation, the following being the most important.

347. In the field of Transportation and Public Works. At the Department for Marine Affairs, the Training School for Pilots undertakes studies and researches in the area of maritime and port activities. It collaborates with the Polytechnic Institute of Macau. It has recently held an exhibition on contemporary maritime training and certification, and in terms of international cooperation it has signed an agreement with the Nautical School of the province of Canton. At the same time the Maritime Museum of Macau carries out scientific research in the area of marine archaeology, aiming at the restoration of sunken objects. It is currently preparing to sign agreements with the University of Macau, for the publication of books on the History of Macau, and with the Polytechnic Institute for the holding of exhibitions.

348. The Metereorology and Geophysics Services carries out shared scientific research with other services in the Pearl River Delta, namely Hong Kong and the province of Canton, on violent weather phenomena such as typhoons, floods, heavy rains and landslides. Seminars are held annually to present and discuss the research work produced by each body. There is also an agreement with the Faculty of Sciences and Technology at the University whereby final year students produce research work in collaboration with the scientists of the Service. One of these pieces of research, on the quality of air in Macau, was presented at a Congress in Beijing, in October 1993.

349. The Civil Engineering Laboratory of Macau is a non-profit-making body with financial and administrative autonomy. Although it is part of the Administration, one third of its capital is held by the Government of Macau. This Laboratory cooperates with the University of Macau by making its premises and equipment available to the Faculty of Sciences and Technology for the holding of practical classes. The Laboratory carries out scientific research at the request of various bodies in order to control the quality of the materials used in civil construction.

350. In the area of culture. It is the responsibility of the CIM to "elaborate, promote and support study and research work, in the fields of history, arts, literature and cultural heritage" (art. 23, para. a), Decree-Law No. 63/89/M of 25 September). In this area CIM's activities include the development of projects, the award of scholarships and the granting of subsidies.

351. The following are some examples of projects undertaken or completed during the year 1992:

(a) History: The Portuguese Quarter of Malacca; Macau. Cultural Interchange between East and West; History of the Archdiocese of Goa; Various Themes on the History of Macau; Macanese Families; The Cemetery of Chala; A

Chronology of the History of Macau; A Translation, Annotation and Critical Edition of the Work, Ou-Mun Kei-Leok; A Selection of Bibliographic Sources and References on the Relations between Macau and Thailand; A Selection of Documents on Macau from the Historical Archives of Bombay;

(b) Sociology: The Present and Future of the Church in China and Macau; State, Society and the Development of Education in Macau; A General Survey of Macau;

(c) Ethno-linguistics: The Portuguese Language in the Orient; The Portuguese Heritage in Malacca;

(d) Architecture: Urban Structures of the Discoveries Period - A Database; Portuguese Urban Structures - Origins, Development and Morphological Characteristics;

(e) Literature: A Cultural History of Macau - An Annotation of Ancient Chinese Poetry on Macau; A Concise History of the Literature of Macau;

(f) History of art: The Art of the Society of Jesus in China.

352. Scientific research in the field of education is one of the main principles of the University of Macau. As we have already mentioned, the University of Macau is a new institution with eight research centres which cover the different subject areas that are taught: Business Research Centre; Research Centre on the Chinese Economy; Centre of Japanese Studies; Research Centre in Educational Science; Research Centre for Science and Technology; Centre for Juridical Studies; Research Center on East-West Relations; and the Macau Studies Centre.

353. In 1993, MOP 283,605 was distributed among projects that had already been approved, and at the planning stage, in the following academic areas: Faculty of Sciences and Technology - (The Environment, Electronics, Quantitative Methods); Faculty of Human Sciences (Religious Organization in Macau, Security in China and Asia, Public Services in China); Faculty of Education Sciences (Pre-school Teaching, Computers and Education, Children and Mathematical Reasoning); Law Faculty (History, Sociology and Politics of Law in Macau).

354. Scientific research projects are also supported by the Macau Foundation which spent MOP 253,000 on such projects in 1993. Masters students at the University were awarded scholarships totalling MOP 676,600. The Institute of Software is also funded by the Macau Foundation.

355. In the field of protection and promotion of the environment and the quality of life of the population various actions have been taken to raise the interest and awareness of the community towards local and global problems.

356. In the area of basic sanitation, an incineration plant for treatment of solid wastes is already operational. A sewage treatment plant is currently under construction. Two other basic sanitation plants for the islands of Taipa and Coloane are currently being planned.

357. Actions to control environmental risk are also being undertaken, at the local and regional levels, both in relation to the use of energy resources and to urban and industrial development, aiming always at the achievement of quality of life in a sustainable environment.

358. The analysis and control of environmental pollution is also carried out by the local councils. The municipal laboratory of the Leal Senado carries out:

(a) Systematic control and analysis of the quality of the water in the public water supply (4 to 6 samples per day);

(b) Chemical control of the quality of the water in swimming pools, to verify the efficiency of the systems of circulation and renewal of the water (20 swimming pools);

(c) Analysis of the quality of the water obtained from wells, in both Macau and the islands (115 samples per year);

(d) Analysis of the coastal waters of Coloane island in support of the local council with the aim of controlling environmental pollution;

(e) Analysis of the quality of air in Macau in collaboration with the Meteorology and Geophysics Service of Macau (samples at different times and frequencies).

359. The Portuguese Constitution also protects freedom of intellectual, artistic and scientific creation (art. 42).

360. The Copyright Code approved by Decree-Law 46,980 of 24 April 1966, published in the Official Gazette No. 2 of 8 January 1972, protects the intellectual property of any creator. The author's right to dispose of, use or profit from his work is recognized regardless of whether it has been registered or undergone any other formality (arts. 1, 4 and 8). The author of intellectual property shall enjoy the right to assert his role as creator of the work and safeguard its integrity for the duration of his life (art. 55).

361. Law 4/85/M of 25 November follows the same pattern in offering protection against illegal copying of records and videos.

STATISTICAL APPENDIX*

Table No. 1 - Main Economic Indicators.

Table No. 2 - Number of Students in Higher Education, by institution.

Table No. 3 - Number of Students in Higher Education, by courses followed.

Table No. 4 - Students attending the University of Macau by nationality.

Table No. 5 - Graduates; cumulative data.

Table No. 6 - Number of grants awarded by academic year.

Table No. 7 - Number of grants awarded by country of study.

Table No. 8 - Number of grants by nationality.

Table No. 9 - Number of grants by area of studies.

Table No. 10 - Number of grants by type of grant.

Table No. 11 - Teaching staff in Higher Education.

Table No. 12 - Distribution of students according to levels of education.

Table No. 13 - Scholarships and allowances granted for purposes of education.

Table No. 14 - Breakdown of Public Expenditure.

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* Available for consultation in the files of the secretariat.

LIST OF THE ANNEXED PUBLICATIONS*

1. Dossier of the Legislation on the Status and General Legal Framework of Macau.

2. "XIII Census of the Popultion, 3rd Survey on Housing - Overall Results", Department for Statistics and Census (March 1993).

3. "The Education System in Macau" (2), Office for Higher Education (March 1992).

4. "Legislation on Higher Education in Macau". Office for the Support of Higher Education (1992).

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* Available for consultation in the files of the secretariat.

Notes

1/ The cultural characteristics will not be dealt with here since they have been covered in section A.

2/ The Administration's expenditures in goods and services (government consumption) represent approximately 8 per cent of the GDP (1992 data).

3/ Fiscal revenues (excluding social security payments), direct taxes (excluding revenues from franchising) added to the indirect taxes represent approximately 4.1 per cent of the GDP.

4/ 1 pataca = 1.03 HKD.

5/ The Migratory Balance Account (nominal) had a balance of +11,772. The overal balance was 17,016.

6/ According to data from the 1991 census, 49.7 per cent of the population is between 20 and 44 years old.

7/ (Exports of Goods and Services + Imports of Goods and Services/2)/GDP x 100.

8/ The USA and EU represent around 70 per cent of the total figure of exports of goods (Statistics on Foreign Trade, 1992).

9/ Industrial Census of 1992.

10/ Net productivity = Added Value/Personnel.

11/ Calculated value for 1992.

12/ The increase in capacity shown by the hotelier sector is reflected by the increase in the number of available rooms from 4,807 in December 1991 to 7,769 in December 1993.

13/ 1993 data.

14/ 1993 data.

15/ Data related to 2° semester 1993 (Survey on Employment - Provisional data).

16/ By underemployed is understood any individual employed but working less than 35 hours (for reasons beyond his control) and looking for additional work or willing to accept any offers in that sense. (Source: Labour Survey, DSEC).

17/ According to estimates by the Office for Economic Affairs (OEA) consumer goods account for 42.4 per cent of the CPI (CPI, October 1981 - September 1983 = 100).

18/ Data for the year 1993 (Administration and Civil Services).

19/ Decree-Law No. 1/87/M, of 13 January, approved the Statute of Macau Pensions Fund.

20/ These values were based on the data in table 14 of the Statistical Appendix.

21/ Source: Survey on the Family Expenses, Census and Statistics Department of Macau.

22/ Books and periodicals, jewellery, newspapers.

23/ As stated in sect. 2 of art. 3 of DL 24/86/M, 15 March (OG No. 11).

24/ "(...) the individuals or families who do not have sufficient economic means to meet all their basic needs" (No. 1 of Dispatch No. 14/DSESAS/88, OG No. 12).

25/ Administrative Regulation No. 103/94/M, 18 April (OG No. 16).

26/ Belonging to the fortnightly expenditure group from MOP 0 to MOP 799.

27/ Belonging to the fortnightly expenditure group of MOP 5,000 or more.

28/ Belonging to the fortnightly expenditure group of MOP 2,500 or more.

29/ Source: XIII Recenseamento da Populão, III Recenseamento da Habitação - Resultados Globais, Direcção de Estatística e Censo (XIII Census of the Population, III Housing Census).

30/ It is the percentage of the family's income designed for payment of rent.

31/ Please see table 14 of the Statistical Appendix.

32/ XIII Population Census. II Housing Census - Global Results (September 1993), p. 25.

33/ Courses which confer a certificate without granting an academic degree.

34/ Data supplied by the editors.